

LAEO FOIA

3. Copies of any NRT, Coast Guard, DOI, NOAA or other interagency directives, emails or correspondence sent to ARRT co-chairs regarding chemical dispersant plan revision work, and/or containing key words Oil Spill Eater II, Bioremediation, Lawrence Anthony Earth Organization, Change Oil Spill Response Global Alliance/Alaska Delegation, Alaska Inter-Tribal Council and Tribal Engagement between the dates of April 2013 up to present.

APPROX 35 EMAILS ATTACHED
MAY BE RESPONSIVE

Q # 3.

(34)

• AFTER APRIL 2013

• DIRECTIVES, EMAILS, CORRESPONDENCE

RE: DISPERSANT PLAN REVISION
AND/OR "OIL SPILL EATER"

Field, Chris

To: Daniel.J.Travers@uscg.mil
Cc: Combes, Marcia; Everett, Mark CIV
Subject: FW: EPA HQ review of ARRT Dispersant policy
Attachments: ARRT Authorization OEM Comment Summary 7-24-13.docx

CAPT Travers,

Thanks again for your leadership role in the development of the ARRT Dispersant policy and particularly the Pre-authorization Plan. As I've indicated all along, I'm on board with Pre-authorization and look forward to signing a plan as long as it's consistent with the NCP and as long as DOI, DOC and the State are on board. As part of our most recent EPA HQ review, some concerns were raised that I want to make you aware of.

In the attached comment paper, EPA expresses appreciation for their previous comments being addressed. However, they also outline several areas where this new version appears to depart from NCP subpart J, ESA Section 7, and the ESA MOU. We'll need to rally together to address these concerns. I've spoken with Marcia Combes and Mark Everett, and we hope that we can draw on some of the work in the ESA biological assessment [nearing completion], to fill out some of the scientific trade-off information called for in Subpart J. It may also be of some help if we emphasize that the 24 mile buffer zone should exclude some concerns that pertain to the sensitive near-shore zones that harbor many of the sensitive habitat and food webs.

Specifically, the consistency concerns are centered on the concept of a Pre-authorization plan that is defined by administrative triggers or geographical boundaries rather than scientific analysis of sensitive species and habitat vulnerabilities, as called for in subpart J. This is seen as a legal vulnerability for EPA, USCG ... as well as DOI and DOC. I'm baffled as to why DOI did not alert you to these NCP consistency concerns as they co-authored this revision. Nor can I explain why it passed muster with USCG HQ. Please be advised that these EPA concerns may be voiced at the Deputy IAWG meeting in Wash DC early next week.

EPA understands the importance of attempting to finalize the Dispersant Policy with a Pre-authorization Plan intact, by Spring 2014, or certainly before OCS drilling occurs in Summer 2014. I look forward to working with D-17 to find solutions to these consistency concerns and keeping the outreach and consultation process on track. I suggest a brief phone call on this matter prior to the next DWG call on 7 Aug, to include the 4 of us copied on this email, and perhaps DEC.

Respectfully,
Chris.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

Field, Chris

From: Mark.Everett@uscg.mil on behalf of Everett, Mark CIV [Mark.Everett@uscg.mil]
Sent: Tuesday, September 17, 2013 1:11 PM
To: Bergmann, Pamela (DOI); Bland, Nathan (DOS); Bohl, Christy (DOI/BSEE); Carlson, Sam (USDA/FS); Clark, Diane (DOE); Cochon, Grace (DOI); cohunka@state.gov; Combes, Marcia; Degnitz, Glenn (DOI/BSEE); Field, Chris; Flynn, Melvin (DOL); Folley, Gary; Forgit, Robert (DHS/FEMA); peter.frost@usdoj.gov; Gremse, Frank (GSA); Helton, Doug; Hildebrand, Doug (DOE); Kauffman, R CAPT (DHHS/CDC); Ketcham, Scott (DOL); Kochanowski, Givey (GSA); Kristin Ryan (ADEC); MAJ Chris Anderson; robinsonbw@state.gov; Sacks, Cindy (DOT/FAA); Sarcone, Joe (DHHS); justin.smith@usdoj.gov; Sonnenberg, Gary (USDA/FS); Stocklin, Paul M CDR; Swanson, Brian (GSA); Terada, Calvin; Whitney, John; Wilder, Thomas (DHS/FEMA); Zagrocki, Bill (DOD/JTF-AK)
Cc: McNutt Jr., Cecil D CIV; Knowles, Nicholas; Hargis, Susan D CIV; Mehler, Paul CAPT; Bornemann, Scott W CAPT; Hawkins, Benjamin J CDR; Carr, Matt; Whittier, Robert
Subject: LAWRENCE ANTHONY EARTH ORGANIZATION (LAEO) FOLLOW-UP
Attachments: FW: Notice of Attendance for Sept 25th ARRT Meeting.

ARRT Members - You may recall several of the speakers during the public comment at May's ARRT meeting in Valdez requested that the ARRT consider certain changes to spill response policy in Alaska, especially regarding use of dispersants and preauthorization of a bioremediation agent (OSE II). I believe each of you was sent a packet of information on the matter.

Over the last few months Chris and I have been in email correspondence with the primary advocate for these changes, the Lawrence Anthony Earth Organization (LAEO), the NRT Chair, and with several other RRTs who have been approached with similar or related requests.

Because the vast majority of LAEO's assertions and their requests concern national level policy and process, the NRT Chair and EPA HQ staff have opted to take the lead in responding to these queries. I have attached our most recent correspondence with LAEO and the Change Oil Spill Response Global Alliance - Alaska for your awareness. We expect and welcome their participation once again during the public comment period of next week's ARRT meeting.

Hope to see you next week. Thank you.

Mark L. Everett
Incident Management & Preparedness Advisor USCG Co-Chair Alaska Regional Response Team Plans & Force Readiness Division (dx) Seventeenth Coast Guard District Juneau, AK
w: (907) 463-2804
c: (907) 209-0729

Field, Chris

From: Tulis, Dana
Sent: Saturday, January 11, 2014 6:14 AM
To: Diane Wagenbrenner
Cc: Matthiessen, Craig; Stanislaus, Mathy; Stanton, Larry; Field, Chris; Mark Everett; Combes, Marcia
Subject: Re: EPA Administrator, Intervention Request re: NRT Chair/LAEO response, FOIA incomplete.

Very good, that is noon EST time on Tuesday. We can use my call in number 866-299-3188. 202-564-7938#
Let me confirm on Monday to make sure other needed EPA experts can attend.

Enjoy your weekend!
Dana T

□ 7

From: Diane Wagenbrenner <dianeeearthorg@att.net>
Sent: Friday, January 10, 2014 4:46:12 PM
To: Tulis, Dana; Mccarthy, Gina
Cc: Perciasepe.bob@Epa.gov; Perciasepe.Bob@epamail.epa.gov; Matthiessen, Craig; McLerran, Dennis; Garbow, Avi; Stern, Allyn; 'Barbara Wiseman'; Stanislaus, Mathy; Stanton, Larry; Lynch, Mary-Kay; senator@feinstein.senate.gov; senator@cantwell.senate.gov; senator@markey.senate.gov; senator@murkowski.senate.gov; senator@murray.senate.gov; senator@wyden.senate.gov; senator@begich.senate.gov; senator@boxer.senate.gov; 'Walter B Parker'; 'Jeanne Pascal'
Subject: RE: EPA Administrator, Intervention Request re: NRT Chair/LAEO response, FOIA incomplete.

Thank you for responding Ms. Tulis and we truly appreciate the opportunity to conference on this further. Tuesday, Jan 14th would work for a conf call schedule with a start time between 9 to 11am PST. (or Wed 15 Jan).

A recommended Agenda for such a call is listed below—please add any points you would like to cover:

CONFERENCE CALL-TENTATIVE TUES 14 Jan 2014 or Wed 15 Jan. (propose exact times you can be available).

Suggested Conference call Agenda

Conf Call Attendees: Dana Tulis, NRT Chair and Diane Wagenbrenner, Barbara Wiseman and Jeanne Pascal with Lawrence Anthony Earth Organization

Questions/Points to Address in Conference call:

1. Ms. Tulis mentions working with NOAA and USCG—can you provide who by name with function titles that are working on this request/project?
2. What kind of timeline is NRT et al working against and what aspects of our request are you referring to that you are addressing?
3. We are encouraged that you are addressing the Bioremediation Fact Sheet Revision. Do you have qualified scientists/independent science representation reviewing this? Al Venosa would not be acceptable as a reviewer to us because interested parties have already tried to get corrections made on that channel and we have found Mr. Venosa as well as several long term science advisors to NRT such as Charlie Henry, to be too closely connected to oil/gas industry science divisions/representatives. (EPA's newly formed Science Integrity Officer Network is a testament to that being a known issue.)

4. To help with any resource limitations, and if acceptable to you, the Lawrence Anthony Earth Organization would be willing to reference several of its independent Science and Tech Advisors for your designated reviewers to work with if this would help to expedite or support your work on the Bioremediation Fact Sheet Correction.
5. Discuss and clarify exact request points per original LAEO request (should any of these need to be clarified) and gain a better understanding as to how the NRT will address these points and when we can expect a definitive response.

Reiterate original request points:

"We further are requesting an actual response to LAEO's formal request to Craig Matthiessen and yourself that asks for a correction to be made in the NRT Bioremediation Fact Sheet which is out of date by 13 years. That inaccurate fact sheet has been used to deny every OSC and RP request to use OSE II on US waters repeatedly over many years despite ample contrary science provided.

In summary, what LAEO cares about is cleaning up the waters. We want a final decision that either:

- a. Permits the use of OSE II to help clean up the Gulf of Mexico and countless other extant spills on U.S. navigable waters which still need to be cleaned up, or
- b. If not approved to use OSE II as a First Response methodology for U.S. Navigable Waters (OSE II is already used throughout the US on land based/soil and other hydrocarbon based spills, used by the US Military for years to successfully and economically remove hydrocarbon based spills from the environment in accordance with the Clean Water Act, etc.) that you provide us with an EXACT listing of reasons detailing why you will not permit OSE II to be used on U.S. waters. Our review of the history of this NCP Listed product indicates years of thorough and successful removal of hydrocarbon based spills from the environment, including use on ocean spills in other countries with ample EPA testing and science that supports its use for cleaning up the mess left behind in the Gulf of Mexico, Alaska, Enbridge etc. We want all documentation, correspondence that relates to your decision not to permit its use on U.S. waters, why such a decision was made and who exactly made these decisions. Your response must also include what *science* a 'no' decision is based on and any other reasoning.

In other words, we want a final decision that is a "Yes" or "No" with exact reasons given."

6. If time permits, Alaska Pre-Authorization of Chemical Dispersants Plan, but should be separate conf call with different parties. Why did NRT pull the matter to national level. How do we proceed? We would like to understand what your involvement is in the Alaskan Chemical Dispersant Issues and clarify Change Oil Spill Response Global Alliance Alaska Delegation Recommendations. (again, this point to be covered only if time allows)
7. Ensure and clarify that our subject matter and focus should not be mixed up with the Citizens Coalition to Ban Chemical Dispersants which I believe EPA is also addressing—these are two entirely separate matters. Our position paper covers our stance on chemical dispersants (and we will continue our educational campaigns in this regard), but we are interested in getting EXTANT spills cleaned up ASAP i.e. Gulf of Mexico, Enbridge Mich., etc. which are NOT FULLY CLEANED UP. We are not interested in engaging on Subpart J, NCP Product Schedule regulatory revisions at this time. We are concerned about how to speed up the process for getting extant spills cleaned up, including working directly with oil companies/RPs such as BP to address remaining spill sites with non-toxic REMOVAL remedies.
8. NRT Added Agenda Items: ?

Thank you again Dana.

Respectfully Diane
Diane Wagenbrenner

Field, Chris

To: doug.helton@noaa.gov
Cc: Combes, Marcia; Mark.Everett@uscg.mil
Subject: FW: RRT VII Tests of OSE II, LAEO Review
Attachments: RRT 7 OSE II TEST CHARTS (3).xlsx

Doug,

It appears that RRT-VII recently did some testing on the OSE II product advocated by the LAEO group. In the email below, Diane Wagenbrenner questions some of the findings to Craig Matthiessen, EPA HQ. I thought this would be important info for NOAA awareness, and welcome any thoughts you have about it.

Thanks,
Chris.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

From: Tulis, Dana
Sent: Thursday, January 23, 2014 6:45 AM
To: Field, Chris; Combes, Marcia; Albright, Rick
Cc: Albright, Rick; Tapia, Cecilia; Matthiessen, Craig; Stanton, Larry
Subject: FW: RRT VII Tests of OSE II, LAEO Review

Folks, we are reviewing this information, fyi.

Craig will be reaching out to Region 7 as well.

From: Diane Wagenbrenner [<mailto:dianeearthorg@att.net>]
Sent: Monday, January 20, 2014 3:58 PM
To: Matthiessen, Craig
Cc: Tulis, Dana; Stanislaus, Mathy; Stanton, Larry; 'Barbara Wiseman'; 'Marynette'; 'Jeanne Pascal'; 'Paul Sammarco'
Subject: RRT VII Tests of OSE II, LAEO Review

Dear Craig, Thanks again for working with us and for your time during the conference call last Tuesday.

As discussed, I reviewed the RRT VII raw test numbers and documentation after our conference call to reconcile some of your statements (some of which were incorrect). The first inaccuracy was when you indicated that OSE II had not significantly reduced the TPH/PAHs compared to the *Control* containers, and that the RRT VII tests had a negative conclusion. The points below clarify what actually occurred:

- a. RRT VII wrote to Mr. Pedigo that they would not preauthorize OSE II because they preferred mechanical methods and, for that matter, had not given preauthorization to any product.
- b. This does not mean that OSE II did not show efficacy in the RRT VII tests.

c. Although the last container comparison did have anomalies which can't be explained they did indicate further analysis should have been done to explain the contrary data to the other 3 comparisons.

d. OTHER SIGNIFICANT ANALYSIS INFORMATION: **All OSE II tanks were cloudy** vs. the *Control* tanks were not. The presence of cloudy water in the tanks during the OSE II Bioremediation process is a predicted indicator showing that bioremediation was, in fact, taking place. The controls' water was relatively clear. Not to be too obvious here, as I'm sure you know this, but cloudy water means bacterial growth is taking place, which is one of the predictable phases of bioremediation cleanup when it is working.

e. Please see the **attached spreadsheet** with the **raw data numbers** from the RRT VII test reports. I have put them in a chart for easiest assimilation. These show significant reduction of TPH/PAHs from the application of OSE II vs. the Controls. This is our independent observation, which correlates with OSEI Corporation's summary of the data:

"The US EPA RRT VII tested Oil Spill Eater II (OSE II) on a very heavy, viscous waste oil utilizing fresh water from two different sources: the Missouri River and the Blues Springs Lake. Heavy oil such as this generally forms a heavy emulsion and is difficult to break down based on its normal properties; however, waste oil will include additives/preservatives and potentially teflons from the refining process to help prevent the oil from breaking down in engines, and to add oil life so engines need fewer oil changes and have easier oil flow. Because of the additives, this type of oil is much harder to remediate than fresh crude oil. There were eight 10-gallon aquariums utilized. Four were filled with Missouri River fresh water and four were filled with fresh water from Blue Springs Lake. Equal amounts of the heavy waste oil were poured onto the surface of each aquarium. Two aquariums with Missouri River fresh water had OSE II applied to them, and two aquariums with Blue Springs Lake fresh water had OSE II applied. An aerator was placed in one of the Missouri River aquariums with OSE II, and an aerator was placed in one aquarium with Blue Springs Lake with OSE II.

The oil in the aquariums with OSE II turned a brownish color and thinned out until the layer of oil contained just a remnant of the oil. The OSE II aquariums showed a large reduction of the waste oil - 72.5% reduction on average in the Diesel Range Organics (DRO), and the Oil Range Organics (ORO) showed an average reduction of 73.5%. One aquarium showed a reduction just over 60%, however there was a large spike for the last samples. Usually anomalies such as this are not considered.

The 4 other aquariums, where OSE II was not applied, showed very little reduction of oil in three of the aquariums and the fourth aquarium, (Blue Springs Lake water and no mechanical aeration) showed slightly more reduction of the oil than the one with air. This is usually not the case. The container with air generally shows more reduction than one without. This test of heavy waste oil with OSE II applied showed conclusive evidence that OSE II remediated the oil to CO₂ and water, and based on the rate of biodegradation of the oil, given 10 to 14 days more, there would have been no oil left at all. This test shows that OSE II complies with the Clean Water Act where it states a response method must permanently remove oil from the environment.

INTERESTING NOTE: A comparative analysis of Tank 2 (treated with OSE II and no oxygen added) and Tank 4 (no OSE II added and no oxygen added doing nothing), shows that the dissolved oxygen end point in Tank 2 was 1.5 and in Tank 4 was .7. This demonstrates that OSE II does not deplete oxygen in the water column any more than the results of doing nothing at all. Therefore, it is the oil itself that is depleting the oxygen. OSEI Corporation's analysis is available at: <http://www.osei.us/pdf%20files/RRT%20plus%20testing.pdf>

As discussed in our call last week, I would appreciate it if you could provide a copy of the RRT VII test information, summary and conclusions that you reviewed so that we can compare notes.

Lastly, I am collecting up the *efficacy* information referenced in the call that Ms. Tulis requested. Although all such data has been sent to you and others in earlier submissions; since we are dealing with a lot of information, I am compiling in such a way as to ensure easily digestible. In this email, I'd like to focus on sorting out the conflicting data re the RRT VII tests as a start.

Sincerely, Diane

Diane Wagenbrenner
VP Operations & Public Information
Lawrence Anthony Earth Organization
Because None Survive Alone

Campaign Coordinator: www.ProtectMarineLifeNow.org
Change Oil Spill Response Global Alliance Member
email: dianeearthorg@att.net
Helping members of our planetary ecosystems who cannot speak for themselves

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From: Tulis, Dana [<mailto:Tulis.Dana@epa.gov>]
Sent: Saturday, January 11, 2014 6:14 AM
To: Diane Wagenbrenner
Cc: Matthiessen, Craig; Stanislaus, Mathy; Stanton, Larry; Field, Chris; Mark Everett; Combes, Marcia
Subject: Re: EPA Administrator, Intervention Request re: NRT Chair/LAEO response, FOIA incomplete.

Very good, that is noon EST time on Tuesday. We can use my call in number 866-299-3188. 202-564-7938#
Let me confirm on Monday to make sure other needed EPA experts can attend.

Enjoy your weekend!
Dana T

From: Diane Wagenbrenner <dianeearthorg@att.net>
Sent: Friday, January 10, 2014 4:46:12 PM
To: Tulis, Dana; Mccarthy, Gina
Cc: Perciasepe.bob@Epa.gov; Perciasepe.Bob@epamail.epa.gov; Matthiessen, Craig; McLerran, Dennis; Garbow, Avi; Stern, Allyn; 'Barbara Wiseman'; Stanislaus, Mathy; Stanton, Larry; Lynch, Mary-Kay; senator@feinstein.senate.gov; senator@cantwell.senate.gov; senator@markey.senate.gov; senator@murkowski.senate.gov; senator@murray.senate.gov; senator@wyden.senate.gov; senator@begich.senate.gov; senator@boxer.senate.gov; 'Walter B Parker'; 'Jeanne Pascal'
Subject: RE: EPA Administrator, Intervention Request re: NRT Chair/LAEO response, FOIA incomplete.

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2. What kind of timeline is NRT et al working against and what aspects of our request are you referring to that you are addressing?
3. We are encouraged that you are addressing the Bioremediation Fact Sheet Revision. Do you have qualified scientists/independent science representation reviewing this? Al Venosa would not be acceptable as a reviewer to us because interested parties have already tried to get corrections made on that channel and we have found Mr. Venosa as well as several long term science advisors to NRT such as Charlie Henry, to be too closely connected to oil/gas industry science divisions/representatives. (EPA's newly formed Science Integrity Officer Network is a testament to that being a known issue.)
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Reiterate original request points:

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In summary, what LAEO cares about is cleaning up the waters. We want a final decision that either:

- a. Permits the use of OSE II to help clean up the Gulf of Mexico and countless other extant spills on U.S. navigable waters which still need to be cleaned up, or
- b. If not approved to use OSE II as a First Response methodology for U.S. Navigable Waters (OSE II is already used throughout the US on land based/soil and other hydrocarbon based spills, used by the US Military for years to successfully and economically remove hydrocarbon based spills from the environment in accordance with the Clean Water Act, etc.) that you provide us with an EXACT listing of reasons detailing why you will not permit OSE II to be used on U.S. waters. Our review of the history of this NCP Listed product indicates years of thorough and successful removal of hydrocarbon based spills from the environment, including use on ocean spills in other countries with ample EPA testing and science that supports its use for cleaning up the mess left behind in the Gulf of Mexico, Alaska, Enbridge etc. We want all documentation, correspondence that relates to your decision not to permit its use on U.S. waters, why such a decision was made and who exactly made these decisions. Your response must also include what *science* a 'no' decision is based on and any other reasoning.

In other words, we want a final decision that is a "Yes" or "No" with exact reasons given."

Field, Chris

From: Combes, Marcia
Sent: Monday, October 28, 2013 5:34 PM
To: Runge, Roberta
Cc: Soderlund, Dianne; Field, Chris
Subject: RE: Requesting updates for DOI Deputies meeting tomorrow

Hi Roberta--I have meetings first thing in the a.m., so here goes:

On the dispersant preauthorization policy--we are planning an extensive tribal consultation and stakeholder outreach effort to begin on 11/13. The overall plan is to travel to 5 hub communities within the preauthorization zone (King Salmon, Anchorage, Kodiak, Valdez, and Dutch Harbor) and provide a face-to-face opportunity to share the new policy and hear concerns from Tribal members as well as other important stakeholder groups. We are also going to be encouraging more active participation in the sub-area planning process, and will invite the participants to become more involved by asking them to identify sensitive areas within the proposed pre-authorization zones that should be off limits under most circumstances to dispersant use--and that information will most likely be incorporated into the subarea plans. DOI, DOC, EPA, USCG, and the State of Alaska are all sending representatives to these meetings. A follow-up and final consultation will be offered at the Alaska Forum on the Environment in February, which will also conclude the public comment period in order to meet the State's requirements for public noticing changes to the Unified Plan. This has been a very intensive, collaborative and cooperative planning process, with extensive travel costs and logistics involved. All agencies and the State of Alaska are fully on board. Once we complete the consultation, and finalize the pre-authorization plan, the regulations requiring dispersant capability by the shipping industry will be effective in 2 years.

On ESA S.7--we are in the final throes of completing the Biological Assessment, still working on a few odds and ends. The shutdown put us slightly behind schedule, but we are expecting to see a final document within the next several weeks. Once we receive the BA, we will then submit it to the Services and initiate formal S7 consultation, which is expected to take several months for them to complete Biological Opinions. Once we receive the BO's, we will evaluate the information and incorporate any necessary changes into the Unified Plan, which is likely to be in the form of recommended terms and conditions associated with specific response actions that may involve take of threatened or endangered species or impacts to critical habitat. We anticipate that the changes to the Unified Plan will likely be in the form of a new appendix--but much is yet to be determined. Another possibility is the development of a tool that the FOSCs can access and use rapidly to consider the information analyzed and evaluated in the BA and BO that will apply to the decision making process in the event of a spill.

That's the quick overview. Tomorrow we begin an annual 2-day ARRT Co-chair strategic planning meeting and perhaps there will be summary information that will be helpful for you to get a better understanding of what all is ongoing with the ARRT at this point in time.

If you have questions prior to the meeting tomorrow (I thought it was on Wednesday--??), let me know and I will do my best to get back to you asap.

Thanks Roberta.

-----Original Message-----

From: Runge, Roberta

Sent: Monday, October 28, 2013 4:05 PM
To: Combes, Marcia; Soderlund, Dianne
Subject: Requesting updates for DOI Deputies meeting tomorrow

Hi Marcia and Dianne - Mathy cannot make the DOI Deputies meeting tomorrow so Larry Stanton and I will be going instead. Could you please let me have a short update on the status of the pre-autjoration plan and the ESA before the 4:00 meeting tomorrow? I don't want to walk in with out current information on all the great work you folks are doing with the ARRT.

Thanks!

Roberta

Field, Chris

From: Field, Chris
Sent: Thursday, August 29, 2013 6:50 AM
To: Tulis, Dana; Combes, Marcia
Cc: Albright, Rick; Hayes, Scott; Runge, Roberta; Matthiessen, Craig; Stanton, Larry
Subject: RE: Alaska pre-authorization plan... note for White House

Dana, I think the Mathy summary bullets look good. I'm working on a summary paper as requested with the goal of clearly laying out the plans and process for completing the revision of the Dispersant Guidance (Annex F of the Unified Plan), which is currently drafted to contain a Pre-authorization Plan.

With the 5 key agencies now having concurred on the Draft revision to Annex F (and the Pre-auth Plan), it is now being sent out to the full Alaska RRT for review and approval. We're asking for any comments by 9/20, a week prior to the next Alaska RRT meeting in Juneau. At the 9/25 ARRT meeting we will review and address any final concerns. Letters inviting Tribes and Stakeholders to the 5 remote outreach workshops and G2G sessions will be mailed during the 3rd week of September. The 5 remote workshops are tentatively scheduled for mid November (see 4th bullet below).

In the bullets below, I've attempted to summarize the respective roles in all tasks I could think of. Let me know if there are other roles you wanted summarized that I missed.

Please note that contrary to the 7th bullet in Mathy's summary, I don't think that DOI agrees that this is a first step toward coast-wide Pre-auth (I don't believe the DOI rep is on board with this). Also important to note that communication and coordination between the Alaska DOI rep and Wash DC continues to appear non-existent.

Summary of Individual Agency Responsibilities/Roles:

- ARRT co-Chairs (EPA and USCG) and State DEC) vice-Chair –
 - signatories to the revised Annex F Dispersant Guidance, when finalized in Spring 2014
 - responsible for Tribal G2G, under EO 13175 and Agency policies
 - responsible for coordination of content in Subarea Plans, Alaska Unified Plan Dispersant Guidance, Pre-authorization Plan, and ESA Consultation.
- ARRT Science and Technology Committee (STC) will review the demand for inclusion of bio-remediation products in ARRT Pre-auth Plan
- EPA, DOI, DOC, Alaska DEC – signatories to the Pre-authorization Plan
- EPA, USCG, FOSCs, DOI, DOC and Alaska DEC will all participate in 5 Tribal G2G and stakeholder outreach workshops in; Anchorage, Valdez, Kodiak, Dillingham and Dutch Harbor, during mid November (at approx travel cost of \$5K per person)
- EPA, USCG, FOSCs, DOI, DOC and Alaska DEC will participate in follow up outreach and consultation sessions with interested Tribes, at a series of sessions at the Alaska Forum on the Environment (AFE).
- EPA and USCG are leading the workgroup conducting the Formal ESA Section 7 Consultation, on the Unified Area Plan.
- FOSCs will update Subarea Contingency Plans based on results of ESA Consultation, and input received during G2G and outreach campaign.
- Significant Tribal and Stakeholder concern and opposition to Dispersant Pre-authorization is anticipated, and expected to be elevated to the R-10 Regional Administrator and the Admiral, USCG D-17, as well

as elected officials. The Co-Chairs will brief up and do outreach to Congressional offices in advance of the outreach/G2G workshops.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

From: Tulis, Dana
Sent: Wednesday, August 28, 2013 5:28 AM
To: Field, Chris; Combes, Marcia
Cc: Albright, Rick; Hayes, Scott; Runge, Roberta; Matthiessen, Craig; Stanton, Larry
Subject: Alaska pre-authorization plan... note for White House

Hi Folks, this was the note that Mathy sent to Bob and Gina. Now he would like to send a note to the White House, with more details, and noting responsibilities of each Agency.

Chris and Marsha, can we draw out individual agency responsibilities and provide any more details, your suggestions are welcome. We could also use the more detailed paper as a starting point.

Let me know what you think works, and please provide any updates as well.

Thanks all.

From: Tulis, Dana
Sent: Tuesday, August 20, 2013 6:30 PM
To: Stanislaus, Mathy
Cc: Breen, Barry; Bergman, Shawna; Fine, Ellyn; Stanton, Larry; Matthiessen, Craig
Subject: Draft Alaska pre-authorization plan... note for Gina and Bob P



Mathy,

6/14/13 From CAPT. TRAVERS FOR ADM. OSTEBO

6/17/2013 -- Dispersant Pre-authorization Status for Admiral Ostebo

EPA and Alaska RRT Co-Chairs are ready to approve of a revised Pre-authorization Plan in the Appendix I of the Alaska Unified Plan. While it does not provide pre-authorization coast-wide, nor in the Arctic, it does address those areas deemed by the FOSCs and the ARRT as the highest spill threat zones.

This Current revised Plan:

- * Reestablishes pre-authorization in State of Alaska as desired by the National Response Team (NRT) for the first time since 2008 in an area (zone) significantly larger than previously pre-authorized. Previous pre-authorized zones were small areas contained inside of Cook Inlet and Prince William Sound. Proposed pre-authorization area is established where traffic and risk exist now and greatly increases response preparedness in Alaska's maritime zone.
- * Establishes CG-regulated dispersant capability via the Caps rule (33 CFR 154 and 33 CFR 155). Dispersants are currently stockpiled in Alaska, but the training, education and application proficiency to successfully utilize them is not regulated.
- * Dispersant capability can be utilized for other oil products beyond just crude oil as necessary, thus proposal increases response preparedness for all non-tanker and innocent passage vessels utilizing the expedited dispersant approval process.
- * Provides support for establishment of a potential sixth response co-op on the Aleutian Islands, which supports State of Alaska's desires and is in alignment with the Aleutian Island Risk Assessment.

This current revision does not:

- * Does not support NRT desire for pre-authorization in the Arctic Ocean and Bering Strait. However, establishing pre-authorization in these areas will not result in any increased dispersant capability beyond that established in Anchorage and a yet to be determined potential Aleutian Islands location, as these locations can be utilized to respond to an oil spill in the Arctic Ocean and Bering Strait.
- * State-wide pre-authorization for all federal waters from 3 nautical miles to 200 nautical miles is not possible at this time. Given environmental sensitivities and absent regularly scheduled tanker vessels carrying crude oil that have a requirement for a vessel response plan, all federal agencies are unable to reach consensus to support pre-authorization expansion beyond current proposed revision. Further, state-wide pre-authorization will significantly increase tribal consultation and stakeholder engagement requirements for a lightning rod issue that is already receiving significant negative feedback.

Moving Forward

The Alaska Regional Response Team (ARRT) will continue to explore expanding pre-authorization to the Arctic Ocean and Bering Strait as traffic/risk evolve and science is completed.

Field, Chris

From: Stanton, Larry
Sent: Wednesday, June 26, 2013 5:56 AM
To: Runge, Roberta; Field, Chris
Cc: Tulis, Dana; Jennings, Kim; Matthiessen, Craig
Subject: RE: Dispersants

I sent a bullet list of the current situation to the whole addressee list.

Chris, can you tell me who Rick and Dianne are? Thanks.

Here is the 2d half of the first email – I don't want to circulate opinion until we are all in sync. So, thoughts?

Chris - we understand that you are the guy at the tip of the spear. We will not undercut you, but amongst us, we ought to hash stuff out.

So –

OEM opinions –

Rapid Consultation is an inappropriate substitute for preauthorization for several reasons. These are offered in order of importance from the OEM perspective:

1. Preauthorization, that is, the advance planning of the use of dispersants, can address the full range of issues. Thus, we can break up preauthorization in time (allowing use in some months but not others, for example) in location, or by any other criteria we determine is important in the decision process. We can evaluate species, habitat, sea conditions, economic activity, subsistence activity, or any other factor considered pertinent. We can establish requirements and controls such as volume limits, type specifications, preferences for mechanical or burning in specified conditions, and so on. We can then put into place the needed SOPs and resources needed to execute those planned management activities. None of these things can be done in any structured, systematic, measurable way without the basic understanding of how where and why dispersants may be deployed. Refusing to plan for a potential disaster is, from the OEM perspective, a complete abrogation of our responsibility.
2. Preauthorization allows the federal and state governments to consult with and advise the public as to exactly what we plan to do and under what circumstances we plan to do it – and thus allow the public to participate in that decision. No public representation will be included in a “rapid consultation” process – we the government will be imposing our (snap) judgement on the public without prior consultation. Where circumstances demand such non-consultative governance, so be it. But this is NOT one of those circumstances. We have time to consult with the public, we are just not doing so.
3. The suggestion that a rapid consultation process will yield a decision in “2 hours” is not realistic. Even if all parties are available at a moment's notice, the decision to use dispersants in the Arctic is not one that is going to be taken lightly. It will be a tough debate, with very challenging risk balancing decisions to be made. Most of those risk balancing question can be debated and decided in advance (in the form of a hammered out preauthorization agreement with appropriate caveats) but we are not doing so. A case-use decision will take days, and the post-event review process will prove remarkably painful in our opinion, based on the DWH experience.

OEM recommendation:

We advise against accepting the current offered compromise. We recognize USCG colleagues are now embracing that measure, and we are concerned that, having addressed USCG's "daily grind" preauthorization need (but not a catastrophic release situation) we will have forfeited all momentum toward a real solution.

We recognize the remarkable challenges inherent in outreach on a complex issue, on a large scale. We believe that at least part of the solution is in two steps:

1. We (the federal government) need to develop a complex preauthorization structure (under a general Alaska littoral preauthorization agreement) that would establish detailed parameters for use and management of chemical agents, and we need to manage that process under the auspices of the University of Alaska, so as to establish the credibility of the plan with the people of Alaska.
2. Having built a detailed plan, we need to go and present that detailed plan (the applicable parts of it) to individual communities, as difficult as that will be to do. To this end, the NRT member agencies and the State of Alaska need to be collectively determining the resource needs to accomplish that outreach, and in turn developing a resource plan.

This is where my thinking is right now. I am ever mindful of R10's position on point, and that there are complexities and subtleties I may miss – so have at it.

L

From: Stanislaus, Mathy
Sent: Wednesday, June 26, 2013 7:59 AM
To: McLerran, Dennis
Cc: Soderlund, Dianne; Albright, Rick; Field, Chris; Stanton, Larry
Subject: Re: Dispersants

I suggest that I use this as an opportunity to clarify the circumstance and set forth next steps. Larry - can OEm work with region 10 on a response?

From: McLerran, Dennis
Sent: Tuesday, June 25, 2013 9:28:38 PM
To: Stanislaus, Mathy
Cc: Soderlund, Dianne; Albright, Rick; Field, Chris
Subject: Fw: Dispersants

Mathy:
It sure looks like we have a disconnect here.
Dennis

From: Hayes, David
Sent: Tuesday, June 25, 2013 1:54:33 PM
To: Thomas Ostebo
Cc: larry.hartig@alaska.gov; Stanislaus, Mathy; McLerran, Dennis; Tommy Beaudreau; Rhea Suh
Subject: Dispersants

Tom:

I wanted to follow up on the brief discussion that we had in our meeting with State of Alaska officials about 10 days ago.

During the meeting, I mentioned that I thought that we had reached an agreement to preauthorize dispersants in specified Alaskan waters (which DOI had jointly recommended with USCG, EPA, and DOC). Preauthorization of dispersants in

those waters would ensure that dispersants could be stockpiled in Alaska. TRUE

I have been told that your and Larry Hartig's push back against the view that I was espousing -- namely, that an agreement had, in fact, been reached among the agencies that would allow for dispersant stockpiling to occur in Alaska -- may have been due to the fact that you had not yet been briefed about Interior's position favoring preauthorization in the specified waters. I understand that DOI had communicated this position with USCG, EPA and DOC on June 4th, and that the ARRT Dispersant Working Group Chair (Captain Dan Travers) briefed you, Commissioner Hartig and Regional Administrator McLerran about the plan (including DOI's concurrence) last week -- after our meeting in Alaska.

I hope that we are all on the same wavelength on this important development. I understand that once all members of the ARRT have provided their concurrence on the preauthorization area and the associated revised dispersant authorization plan (and we are waiting on the State of Alaska for their concurrence), the USCG will move forward with tribal consultations, stakeholder outreach and consultation on the Endangered Species Act and Essential Fish Habitat. Our Department stands ready to assist in all of these actions.

Finally, we also agree, based on previous discussions with Mathy Stanislaus, on Mathy's proposal to begin an outreach process with north slope residents regarding the potential preauthorization of dispersants in Alaska's Arctic waters. EPA emphasized to us the need to proceed first with full discussions with residents, given the hesitation that some may have regarding dispersant use in the Arctic. DOI stands ready to help with this longer-term process as well.

Hopefully, we are all clear on these matters. Let me know if that is not the case, or if there are additional issues that you would like to discuss before I wrap up my tenure here at the end of this week!

It was great to see in Anchorage. It's always a pleasure. Thanks.

- David

--

David J. Hayes

Deputy Secretary

U.S. Department of the Interior

202-208-6291

David_Hayes@ios.doi.gov

Field, Chris

From: Field, Chris
Sent: Wednesday, June 26, 2013 7:45 AM
To: Stanton, Larry; Stanislaus, Mathy; McLerran, Dennis
Cc: Albright, Rick; Matthiessen, Craig; Jennings, Kim; Runge, Roberta; Tulis, Dana; Soderlund, Dianne
Subject: RE: Dispersants

Larry, see my comments below in **red**. Please read my comments on the second to last bullet carefully, and see the draft timeline below that. I'm available all day if we need to discuss.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

From: Stanton, Larry
Sent: Wednesday, June 26, 2013 5:50 AM
To: Stanislaus, Mathy; McLerran, Dennis
Cc: Albright, Rick; Field, Chris; Matthiessen, Craig; Jennings, Kim; Runge, Roberta; Tulis, Dana; Soderlund, Dianne
Subject: RE: Dispersants

Mathy, Dennis:

We can.

To ensure clarity on the current situation – please take a look at this summary. This is NOT what we are going to offer by way of “clarifying the situation”. We just want to be sure that – before drafting, we do have the basic facts down. We ask that our R10 colleagues and OEM team add/correct as necessary:

- The “old” preauthorization agreement that covered PWS is now void **True**
- At this point, there is no preauthorization for use of dispersants in place, anywhere in Alaska **True**
- EPA has taken a consistent position that preauthorization covering the entire Alaskan littoral is the desired outcome **True**
- EPA has generally enjoyed the support of the rest of the ARRT on this desired outcome, with one important exception **True, however DOC has been hesitant, but willing to go with the majority**
- DOI (in the person of Pamela Bergman – it is not clear she has the support of DOI) has opposed preauthorization of dispersant use in Alaska **True**
- DOI has taken the position that a rapid “consultation” process to authorize use of dispersant on a case by case basis is the appropriate approach **True**
- ARRT has put such a “rapid consult” process into place – and that process is the basis for assertions that dispersants can be authorized for use in “2 hours” **I agree that 2 hours is not realistic, it was a misstatement by someone. 4-8 hours is a more realistic best-case turnaround by the RRT on a rapid dispersant decision.**
- DOI has indicated that the Department may engage in rule-making so as to require stocks of dispersants be held in Alaska regardless of the existence of a preauthorization agreement **maybe**
- We have seen no indication that such a rule-making effort is actually underway **true**
- ARRT had developed a preauthorization agreement that covered the Alaskan littoral from 3nm out, as we understood it, that agreement had the support of DOI, but perhaps not Ms. Bergman **True about Ms Bergman, but the Hayes position has never been made clear to me.**

- That plan was agreed to by all ARRT members, including USCG and State of Alaska, but collapsed under objection from Ms. Bergman, who may or may not have been acting on DOI instructions True
- An alternative plan – covering the Aleutian shipping lanes at a distance of 24nm, has now been proffered in lieu of the aforementioned proposed agreement True
- USCG (and others? I am not clear here) are now supporting the very limited shipping lane preauthorization agreement, mainly on the grounds that we can only manage the required outreach for that level of agreement anyway, and so we should take the deal rather than get nothing True, but also because Admiral Ostebo leaves in April 2014 and USCG would like to have Pre-auth in place before he leaves to take advantage of current momentum and support, and make sure dispersants are stockpiled in AK prior to off shore drilling in summer 2014. For coast-wide pre-auth, we (EPA and USCG) don't believe there is any way to do the necessary outreach and G2G (to 229 tribes) before April 2014 Ostebo departure. Please see the ARRT draft timeline below of a very ambitious plan for outreach and G2G to the 41 tribes and multitude of stakeholders affected by the current "limited pre-auth proposal". Please look at it carefully and realize that a timeline for coast-wide pre-auth would likely double the length of time needed, perhaps until Spring 2015? This would mean no Pre-auth in Alaska for another 2 years?
- The State of Alaska is apparently quite unhappy with this development True

It is also worthwhile to note this process has unfolded over years, at least 2 and arguably much longer. True, 2 years of very hard work by many. We all have full time jobs outside of the RRT.

Please let us know if we have something wrong, or if we've missed an important point.

Field, Chris

From: McLerran, Dennis
Sent: Wednesday, June 26, 2013 1:24 PM
To: Stanislaus, Mathy
Cc: Field, Chris; Soderlund, Dianne; Albright, Rick; Combes, Marcia; Stanton, Larry
Subject: Re: Dispersants

Mathy:

I think that an affirmation email that reinforces the need for continued progress on next steps would be good.
Dennis

From: Stanislaus, Mathy
Sent: Wednesday, June 26, 2013 1:15:14 PM
To: McLerran, Dennis
Cc: Field, Chris; Soderlund, Dianne; Albright, Rick; Combes, Marcia; Stanton, Larry
Subject: Re: Dispersants

Agreed - but should I add more on next steps?

From: McLerran, Dennis
Sent: Wednesday, June 26, 2013 4:06:25 PM
To: Stanislaus, Mathy
Cc: Field, Chris; Soderlund, Dianne; Albright, Rick; Combes, Marcia
Subject: Fw: Dispersants

Mathy:

It looks to me like David got it right this time. We might want to add an affirmation from you to his email to the chain.
Dennis

From: Hayes, David
Sent: Wednesday, June 26, 2013 1:01:31 PM
To: Hartig, Lawrence L (DEC)
Cc: Thomas Ostebo; Stanislaus, Mathy; McLerran, Dennis; Tommy Beaudreau; Rhea Suh
Subject: Re: Dispersants

Larry:

I couldn't agree more that the time to have these discussions is now, before there is a spill. (I was the first Administration official on the scene the morning after the Deepwater Horizon disaster, and I know how important those early days of response to a spill are.)

Of paramount interest to me is reaching an agreement for some Alaskan waters, so that preapproved dispersant can be available in the state for those waters or, on an emergency basis and with the incident commander's approval, for spills in other waters. Meanwhile, discussions should continue regarding potential preapprovals in other Alaskan waters as well.

Best of luck with this, going forward. Our leadership here is aware of the importance of these matters.

Thanks.

--David

On Wed, Jun 26, 2013 at 2:46 PM, Hartig, Lawrence L (DEC) <larry.hartig@alaska.gov> wrote:

David,

Thanks for following up on this. I know you must be extremely busy right now.

I did get a good briefing from the USCG and EPA on this after the Arctic Policy meeting in Anchorage where I had raised my concerns with you. I plan to schedule a follow-up meeting soon with District 17 to go over some additional questions I have on implementation of the proposed plan and how it might move us towards having more spill response capability in the Aleutian Island/Bering Strait areas. I also want to try to get a better commitment from all of the federal agencies on resolving any outstanding questions about dispersants. It would be better to have this discussion when we are not in the midst of responding to a spill.

Best wishes in your next career. We'll look forward to seeing you in Alaska in the future.

Thanks,

Larry

From: Hayes, David [mailto:david_hayes@ios.doi.gov]

Sent: Tuesday, June 25, 2013 12:55 PM

To: Thomas Ostebo

Cc: Hartig, Lawrence L (DEC); Stanislaus, Mathy; Dennis McLerran; Tommy Beaudreau; Rhea Suh

Subject: Dispersants

Tom:

I wanted to follow up on the brief discussion that we had in our meeting with State of Alaska officials about 10 days ago.

During the meeting, I mentioned that I thought that we had reached an agreement to preauthorize dispersants in specified Alaskan waters (which DOI had jointly recommended with USCG, EPA, and DOC). Preauthorization of dispersants in those waters would ensure that dispersants could be stockpiled in Alaska.

I have been told that your and Larry Hartig's push back against the view that I was espousing -- namely, that an agreement had, in fact, been reached among the agencies that would allow for dispersant stockpiling to occur in Alaska -- may have been due to the fact that you had not yet been briefed about Interior's position favoring preauthorization in the specified waters. I understand that DOI had communicated this position with USCG, EPA and DOC on June 4th, and that the ARRT Dispersant Working Group Chair (Captain Dan Travers) briefed you, Commissioner Hartig and Regional Administrator McLerran about the plan (including DOI's concurrence) last week -- after our meeting in Alaska.

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ARRT have provided their concurrence on the preauthorization area and the associated revised dispersant authorization plan (and we are waiting on the State of Alaska for their concurrence), the USCG will move forward with tribal consultations, stakeholder outreach and consultation on the Endangered Species Act and Essential Fish Habitat. Our Department stands ready to assist in all of these actions.

Finally, we also agree, based on previous discussions with Mathy Stanislaus, on Mathy's proposal to begin an outreach process with north slope residents regarding the potential preauthorization of dispersants in Alaska's Arctic waters. EPA emphasized to us the need to proceed first with full discussions with residents, given the hesitation that some may have regarding dispersant use in the Arctic. DOI stands ready to help with this longer-term process as well.

Hopefully, we are all clear on these matters. Let me know if that is not the case, or if there are additional issues that you would like to discuss before I wrap up my tenure here at the end of this week!

It was great to see in Anchorage. It's always a pleasure. Thanks.

- David

--
David J. Hayes

Deputy Secretary

U.S. Department of the Interior

202-208-6291

David_Hayes@ios.doi.gov

--
David J. Hayes

Deputy Secretary

U.S. Department of the Interior

202-208-6291

David_Hayes@ios.doi.gov

Field, Chris

From: Tulis, Dana
Sent: Tuesday, July 30, 2013 1:01 PM
To: Field, Chris; Matthiessen, Craig
Cc: Combes, Marcia; Principe, Vanessa; Wilson, Gregory; Runge, Roberta; Stanton, Larry; Jennings, Kim; Albright, Rick; Soderlund, Dianne; Cohen, Lori
Subject: RE: ARRT Dispersant Authorization Plan

Chris, I don't understand, why do you think it would come easier from Scott Lundgren, these are EPA concerns. It appears hypocritical to me, that we cannot get a full AK pre-auth plan for surface dispersants yet on the other hand, they want to allow full subsea pre-approval and skipping the ESA etc. Bottom line, we are not trying to stop or derail the process, but that doesn't mean we make foolish decisions to meet the timeline. Dispersants are an EPA issue. We can elevate in EPA, but I think we need to start at your level. I am more than happy to support you, be on a call, etc. with Craig's and Kim's support.

From: Field, Chris
Sent: Friday, July 26, 2013 4:01 PM
To: Matthiessen, Craig
Cc: Combes, Marcia; Principe, Vanessa; Wilson, Gregory; Runge, Roberta; Tulis, Dana; Stanton, Larry; Jennings, Kim; Albright, Rick; Soderlund, Dianne; Cohen, Lori
Subject: RE: ARRT Dispersant Authorization Plan

Craig and All,

I apologize for copying all on this, but I want to suggest a different approach to presenting these EPA concerns to USCG D-17. While Marcia and I appreciate and see the merit in the EPA comments, we know that they will not be received well from EPA to D-17 and the State. It would be much better if Bob Pond (retired) or Scott Lundgren would let D-17 know of the NCP consistency concerns.

As you know, CAPT Travers was apparently tasked by Admiral Ostebo with making sure that some form of Pre-authorization is in place in Alaska before the Admiral rotates out of D-17 next April. We've done the math and we know that we need to start the outreach and consultation process right now in order to have any chance of finalizing a Pre-auth plan before April when the Admiral leaves, or even before Summer 2014 when OCS drilling resumes. CAPT Travers has worked very hard to bring EPA, DOI and DOC along on this and he suggests that he has DOI and Scott Lundgren approval. The State DEC is also going to have very little patience for any delays in putting a Pre-auth plan in place. It doesn't make any sense for EPA to take the bullet on this.

Can Craig M or Dana T talk to Scott Lundgren, or the DOI or DOC NRT rep and get some consensus that these are issues that must be addressed, and as such are necessary obstacles to getting Pre-auth in place prior to April 2014? Again, Marcia and I cannot argue with the EPA comments/concerns, but our important response partnerships here in the region would be greatly served if the NRT would work towards some agency consensus and a common voice on this.

Marcia and I are available next Mon-Weds if we need a call to discuss this?
Thanks.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

From: Matthiessen, Craig

Sent: Thursday, July 25, 2013 12:00 PM

To: Field, Chris

Cc: Combes, Marcia; Principe, Vanessa; Wilson, Gregory; Runge, Roberta; Tulis, Dana; Stanton, Larry; Jennings, Kim

Subject: ARRT Dispersant Authorization Plan

Hi, Chris;

Vanessa Principe and Greg Wilson spent considerable effort recently to review the latest Dispersant Authorization Plan from the Alaska Regional Response Team (ARRT). Attached is a comment summary and the plan with our comment bubbles. We also made sure OGC reviewed our concerns as well.

First, we're pleased our past comments and edits seem to be addressed and accepted – for the most part. Now we have concerns regarding the administrative approach which diverges from what we are intending with the proposed revisions to the Subpart J preauthorization requirements, with the OSWER AA and the NRT's policy memos issued late 2010, and our policies (e.g. with respect to preauthorization of subsea dispersant use). Further, take a look at the text on pages F-8 and 9 in the plan – you'll see where we've highlighted issues in the comments. Finally, Endangered Species Act (ESA) consultation is only initiated at the time of an incident as opposed to enacting this plan – this is out of line with the recent litigation settlement. There are places where there seems to be divergence with Coast Guard tradeoff and ESA recommendations as well.

I wanted to highlight our concerns to you and to offer to discuss as needed and to see where we can help on next steps. Thanks! Craig Matthiessen

6/5/13 - FROM MARCIA TO KENDRA, FOR RA CALL W/MATHY
DURING WEEK OF JUNE 10, 2013

Alaska Pre-Authorization for Dispersant Use

Briefing Paper

June 2013

Background:

In response to Arctic drilling interests, the Alaska Interagency Working Group (IAWG) Deputies have been seeking statewide Pre-Authorization status for dispersant use since January 2013. Pre-authorization would give the Federal On-Scene Coordinator (FOSC) unilateral decision-making authority to apply dispersants in the event of an oil spill, and to immediately get assets rolling.

- The US Coast Guard (USCG) D17 has been leading an ad-hoc workgroup of Alaska Regional Response Team (ARRT) participants to update the Dispersant Use Guidelines and Pre-Authorization Plan, which will be contained in Annex F, Appendix I of the Alaska Unified Plan. USCG, EPA, DOC, DOI and State of Alaska are the work group participating agencies.
- Prior to the most recent efforts, the Science and Technology Committee of the ARRT worked for several months on a Pre-Authorization Plan that was deemed insufficient at the HQ level of EPA and USCG.

Current Proposal:

The regional ad-hoc work group has reached consensus on a proposal that would trigger a regulated dispersant capability in Alaska which would apply to areas where tanker traffic currently exists and therefore address the greatest risks and vulnerabilities based on State of Alaska and USCG perspectives and interests.

- The pre-authorization zone proposed would cover all tanker vessel traffic passing through Prince William Sound, Cook Inlet, and the Aleutian Islands just north of Unimak Pass, including the Great Shipping Route from North America to Asia.
- The pre-authorization zone would begin 24 miles from shoreline to avoid sensitive areas, and extend in most cases to the Exclusive Economic Zone (EEZ-200 mi).
- In all other waters, an Incident Command System (ICS)-based expedited decision-making process involving various agency concurrences and consultations would apply.

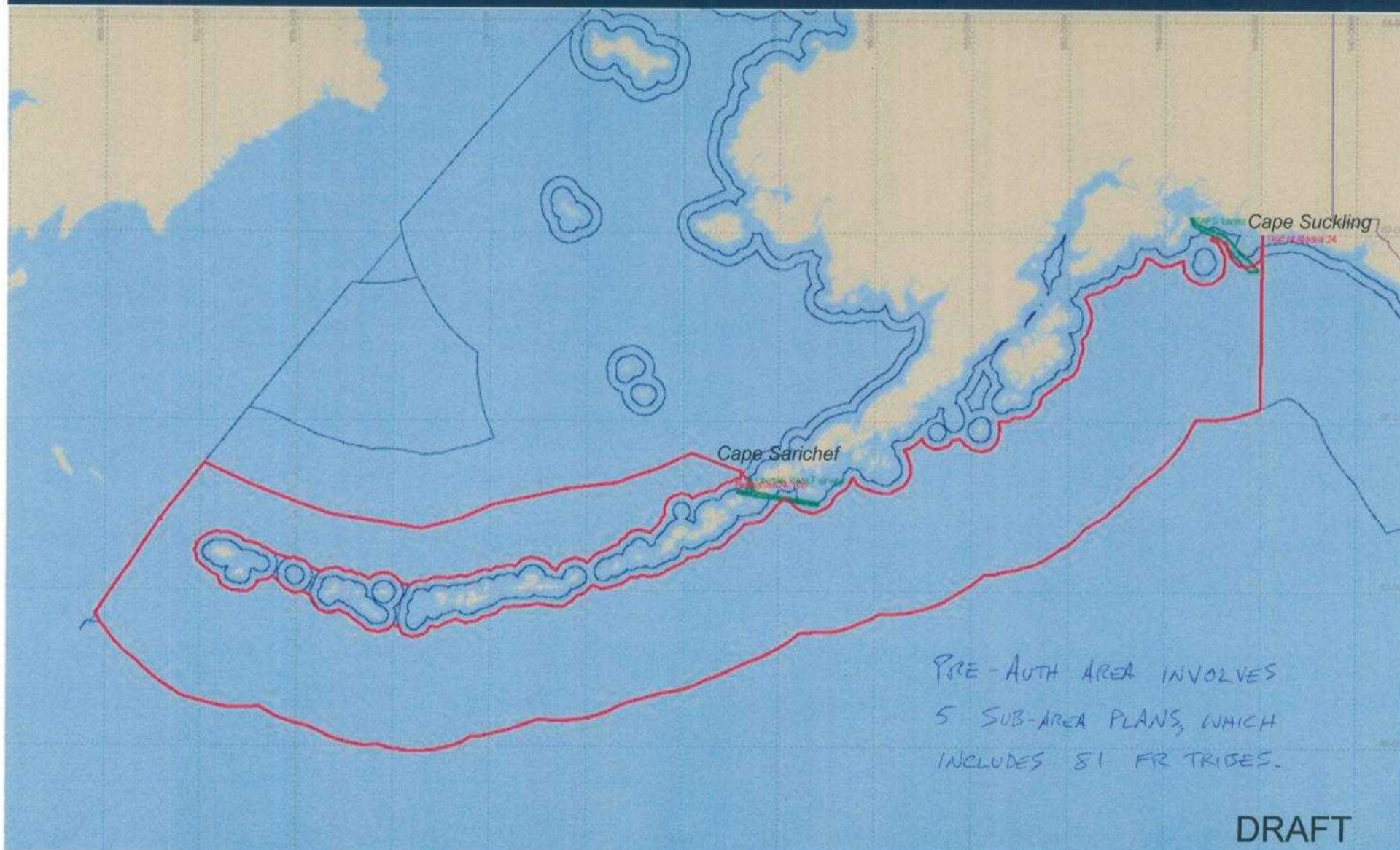
It's important to note that while the Deputies IAWG is focused on the Arctic for Pre-authorization, most Alaska RRT members view the shipping lanes near Prince William Sound and the Aleutians as a higher spill risk area and thus a higher priority for Pre-auth.

Challenges/Other Considerations

- The issue of dispersant use is polarizing and controversial, particularly at this time in Alaska.
- Many experts believe that arctic conditions do not hold the same benefits of dispersant use that other climates do, such as protection of food webs in the near shore zone.
- The State of Alaska remains firm in their position that statewide Pre-auth coverage is needed.
- An extensive Tribal Consultation and Stakeholder/Public Outreach effort is anticipated.
- Resources to accomplish this work do not exist at the regional level for any of the agencies involved; the commitment is expected to be significant, with workshops and outreach sessions planned in multiple locations throughout the proposed zone.
- USCG/EPA will begin formal ESA Section 7 Consultation with the Services on the Alaska Unified Plan, pending completion of the Biological Assessment within the next 6 months. This work is linked to, and will need to be completed prior to finalizing a Pre-Authorization Plan.



Pre-Authorization Zone: 24NM – 100NM & 200NM (Contiguous Zone to Exclusive Economic Zone)



Field, Chris

To: Matthiessen, Craig
Cc: Combes, Marcia; Principe, Vanessa; Wilson, Gregory; Runge, Roberta; Tulis, Dana; Stanton, Larry; Jennings, Kim; Albright, Rick; Soderlund, Dianne
Subject: RE: ARRT Dispersant Authorization Plan

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Thanks.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

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Sent: Thursday, July 25, 2013 12:00 PM
To: Field, Chris
Cc: Combes, Marcia; Principe, Vanessa; Wilson, Gregory; Runge, Roberta; Tulis, Dana; Stanton, Larry; Jennings, Kim
Subject: ARRT Dispersant Authorization Plan

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Thanks! Craig Matthiessen

ARRT Oil Dispersant Authorization Plan
OEM Comment Summary 7/23/13

*Why didn't Scott Lundgren
raise these issues*

The revised draft document incorporates a number of the editorial changes that we offered in past reviews. However, some fundamental concerns still remain regarding preauthorization. Comments consider DWH lessons learned, the NRT guidance memo policy direction, and the Subpart J regulatory requirements.

Concerns:

- The stated purpose of the plan is to outline the process to be used following an oil discharge when dispersant use is being considered in both preauthorized areas or undesignated areas. Specifically, decisions regarding the use of dispersants are all to be based on incident-specific evaluations, with environmental trade-off determinations considered only at the time of the incident. While such a process may be appropriate for case-by-case authorizations, for preauthorization it should take place prior to plan approval. *Subpart J.*
- The plan does not evaluate environmental trade-offs to inform the "specific context" or limit the "specific circumstances" that are preauthorized. The only preauthorization parameters are "administrative" boundaries based on the location of common shipping routes followed by crude oil vessels regulated under the USCG 2009 CAPS rule. Parameters that inform the environmental trade-offs should be used to clearly define/limit the preauthorization.
 - ⊙ Potentially important factors such as the presence of natural resources, threatened or endangered species, sensitive biological areas, historic properties, commercial/recreational fishing, or whether the use of dispersants in the preauthorization area would result in a net environmental benefit are not considered. The previous Annex F had more specific information on the zones where dispersants could be used, and provided a rationale for establishing the dispersant use parameters that considered other factors in addition to distance to shoreline.
 - ⊙ The plan includes as a condition that dispersant application be done in waters equal or greater than 60 ft deep, and as a policy that dispersants only be used on crude oils. However, it does not clearly use these to define/limit pre-authorization in the same manner as with the location of common shipping routes. Further, there is no clear scientific rationale for establishing these conditions as adequate for AK.
 - ⊙ Of concern - AK is exploring the possibility of requiring dispersant capability for oil and gas activities in the Arctic through BSEE/BOEM's current Arctic Standards rulemaking effort, as an element of the Oil Spill Response Plans (similar to CAPS). This could translate to added "administrative" limits (similar to shipping route), further removing the preauthorization process from its environmental trade-off intent.*- WRONG, ONLY
PRE-AUTH APPLIES
TO CRUDE
↳ MAKE SURE
IT'S CLEAR
?*
- The plan seems to imply that preauthorization applies to both subsurface and prolonged surface (beyond 96 hours) dispersant applications. This is contrary to current policy direction, and to comments we have already provided to RRT4 on their draft plan. *WE CAN
FIX*
- The plan has all ESA consultations initiated at the time of an incident. An action cannot be performed without first completing the consultation; for purposes of ESA, it seems clear that approval of a preauthorization plan constitutes an action. This would only allow for emergency consultations, which is not the intent of ESA Section 7, the MOU, or the preauthorization process. This raises a concern in light of the recent CBD lawsuit and settlement agreement. *NO ISSUE
HERE.*

CG LEGAL : JEAN-MARIE NICHOLSON IN CG HQ

8/15/13 - DANA TULIS APPROVES OF ARRT DISPERSANT ANNEX
REVISION.

Field, Chris

From: Tulis, Dana
Sent: Thursday, August 15, 2013 3:44 PM
To: Field, Chris
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta; Stanton, Larry
Subject: Alaska Dispersant Policy revision... important, time-sensitive

Thank you Chris, for a very informative call. I think the Region has a good strategy, that just wasn't coming across in our email exchanges. Please proceed with supporting the draft AK dispersant policy per our requests today to clarify this is NOT for atypical dispersant use. Also, thank you for the bullets describing the progress on the Biological Opinion and ESA, getting comments from the Tribes, the current scope, etc. I will be sending an email up the chain to characterize all your efforts and how this is a very positive step toward our ultimate end goal and what is really achievable.

From: Field, Chris
Sent: Wednesday, August 14, 2013 2:24 PM
To: Tulis, Dana; Stanton, Larry
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta
Subject: RE: Meeting Time- Alaska Dispersant Policy revision... important, time-sensitive

That works for me. Will there be a call in number or can you call my office at 206.553.1674?

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

From: Tulis, Dana
Sent: Wednesday, August 14, 2013 11:16 AM
To: Field, Chris; Stanton, Larry
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta
Subject: Meeting Time- Alaska Dispersant Policy revision... important, time-sensitive

How about 1 pm EST, 10 am your time tomorrow?

From: Tulis, Dana
Sent: Wednesday, August 14, 2013 1:02:28 PM
To: Field, Chris; Stanton, Larry
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta; Albright, Rick
Subject: RE: Alaska Dispersant Policy revision... important, time-sensitive



Yes, we are still telling you not to concur. Mathy has been given a heads up. Not sure why we can't meet a normal time tomorrow, it's only Thursday/

From: Field, Chris
Sent: Wednesday, August 14, 2013 12:55 PM
To: Tulis, Dana; Stanton, Larry
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta; Albright, Rick
Subject: RE: Alaska Dispersant Policy revision... important, time-sensitive

Dana,
If you're still directing me not to concur, I guess a call is needed, ...because my understanding in paragraph 2 of my email below still stands. I committed to CG D-17 that I would have an EPA HQ answer on concurrence by early next week.

I'm willing to have a call at 4 or 5 am pst tomorrow morning if that's what's needed.
Thanks.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

From: Tulis, Dana
Sent: Wednesday, August 14, 2013 8:59 AM
To: Field, Chris; Stanton, Larry
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta; Albright, Rick
Subject: RE: Alaska Dispersant Policy revision... important, time-sensitive

Chris, Larry is out after today, but we can set up a meeting with Craig, and myself tomorrow, if needed. Thanks.

From: Field, Chris
Sent: Wednesday, August 14, 2013 10:23 AM
To: Tulis, Dana; Stanton, Larry
Cc: Albright, Rick; Combes, Marcia; Matthiessen, Craig; Villa, Clifford; Runge, Roberta
Subject: RE: Alaska Dispersant Policy revision... important, time-sensitive

Dana,

OEM COMMENTS ON ANNEX F

ARRT Oil Dispersant Authorization Plan - OEM Comment Summary 9/10/13

- The plan states that the boundaries are based on the location of common shipping routes followed by crude oil vessels regulated under the USCG 2009 CAPS rule with a 24 mile buffer to exclude nearshore sensitive areas, rather than using specific environmental information to inform the Preauthorization Areas.
 - We recognize that ARRT is committed to establishing avoidance areas to account for environmental concerns regarding dispersant use through SCP reviews, which more closely aligns with our interpretation of establishing preauthorization conditions that consider environmental protection parameters prior to the plan's approval.
 - The ARRT has taken latitude to their approach, and while we can support their efforts to quickly move towards preauthorization for Alaska, concerns remain for broader implications that could set a national precedent. We have significant concerns with an approach where, for example, through BSEE/BOEM's current Arctic Standards rulemaking effort, BSEE would tie dispersant capability to preauthorization using a similar rationale to CAPS.
 - We recommend deleting language that highlights and draws attention to environmental parameters not considered in Section 1.4 – Dispersant Areas, but keep added language referencing the 24 mile buffer zone that excludes nearshore sensitive areas as follows: *"The boundaries of the Preauthorization Area were based on the location of common shipping routes followed by crude oil vessels that are regulated under the Final Rule. The boundaries do not specifically take into account potentially important factors (which are addressed below) such as the presence of natural resources (e.g., threatened or endangered species or sensitive biological areas) and/or historic properties, use of the area for activities such as commercial and recreational fishing and subsistence harvests, and/or whether the use of dispersants in the Preauthorization Area would result in a net environmental benefit. However, The 24 nautical mile boundary, which corresponds to the U.S. contiguous zone (a feature commonly depicted on nautical charts), excludes nearshore sensitive areas from the Preauthorization Area."*
- The plan states a review of applicable Subarea Contingency Plans (SCP) will be conducted within 24 months of plan approval to determine avoidance areas for dispersant use. This means the preauthorization plan would then include avoidance areas for dispersant use within a "Preauthorization Area". R10/USCG/DOI indicated they don't want to revisit the preauthorization plan after its approval to reflect those avoidance areas, but that instead they would be reflected in the revised SCPs. We have legal concerns that this process would occur after the preauthorization plan is approved. To remove legal uncertainty, language should be added that specifically identifies which takes precedence for purposes of establishing preauthorization areas, the SCP avoidance areas or the Preauthorization Plan.
 - We recommend text to clarify that the plan automatically removes any avoidance areas identified during the SCP reviews from the Preauthorization Area.
 - We also offer for consideration the option of removing an area covered by the SCP if a review of the SCP is not completed within the 24 months, or until such time the review is completed.
- OK ➤ While the plan clarifies that preauthorization does not include prolonged surface (beyond 96 hours) dispersant applications, it was not clearly established for subsea dispersant application. We recommend new text and edits throughout the plan to clearly state that neither prolonged surface dispersant application nor subsea dispersant applications fall within the scope of the preauthorization.
- OK ➤ Edits throughout the document on authorization of use address the fact that the FOSC doesn't use dispersants; instead the FOSC authorizes the use of dispersants. Further, Subpart J does not prevent the FOSC from getting assets rolling in preparation for dispersant use in any circumstance, including case-by-case situations. They would just not be authorized to use dispersants. Edits reflect this interpretation.

- OK
- The preauthorization plan has ESA consultations initiated at the time of an incident for preauthorized dispersant use. Given that the Preauthorization Plan is an action, it would also require ESA consultation to occur prior to it being finalized. R10 has stated that ESA consultations will be completed within the next few months, and that the resulting information will be incorporated into the plan/SCPs prior to final plan approval. We recommend language in the Preauthorization Area section to this point.

EPA Call w/217
877 985 1608
5806740

EPA is "approving w/ modification" as stated in Subpart J.
EPA has re-written Subpart J in response to lawsuits and criticism re: SCPs & Pre-auth Plans. already given in a lot since rewrite not final. - these changes make sense.

This Preauthorization Area ensures that the USCG can require certain vessel and facility response plan holders in Alaska to maintain a minimum dispersant use capability in accordance with a USCG August 31, 2009 rulemaking, 33 CFR Parts 154 and 155 "Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions; Final Rule (Final Rule)." This includes tank vessels that carry crude oil and stop at one or more U.S. ports at some point during their transit.

Comment [VP5]: The actual area is inconsequential to the USCG reg. Whether or not there is a preauthorization plan at all is what matters.

The boundaries of the Preauthorization Area are "administrative" because they were based on the location of common shipping routes followed by crude oil vessels that are regulated under the Final Rule, with a buffer zone of 24 nautical miles offshore. The boundaries do not specifically take into account other potentially important factors (which are addressed below) such as the presence of natural resources (e.g., threatened or endangered species or sensitive biological areas) and/or historic properties, use of the area for activities such as commercial and recreational fishing and subsistence harvests, and/or whether the use of dispersants in the Preauthorization Area would result in a net environmental benefit. However, the 24 nautical mile boundary, which corresponds to the U.S. contiguous zone (a feature commonly depicted on nautical charts), excludes nearshore sensitive areas from the Preauthorization Area. The boundaries reflect the findings from the Endangered Species Act (ESA) Section 7 consultation(s) with U.S. Fish and Wildlife Service and/or National Marine Fisheries Service (NMFS) representatives conducted prior to the approval of this plan in accordance with the ESA Memorandum of Agreement (see Annex G of the Unified Plan).

Comment [VP6]: ESA consultation needs to occur prior to preauthorization going live. Therefore, we added the ESA consultation language from the preauthorization process Tab here to reflect an ESA consultation has occurred.

Comment [VP7]: There are legal concerns that this process is occurring post-approval of the preauthorization plan. To remove legal uncertainty, there needs to be language added that specifically identifies which process trumps - the SCP or the Preauthorization Plan, for the purposes of establishing preauthorization areas.

Comment [VP8]: To address the concern stated above, the added language would clearly state that no avoidance areas identified in the SCPs would be considered preauthorized areas, and that those areas would automatically be reclassified as "Undesignated Areas" that would need to be addressed on a case-by-case basis.

Is the review of the SCPs to identify avoidance areas to be conducted all at once or on a rolling basis, with all of them to be completed within 24 months? What is the approval process for identifying these areas? This process should also be specified in the plan.

Comment [VP9]: As a suggestion to consider from a policy perspective for the consultations going forward, you may want to add text to address what happens if an area isn't reviewed within 24 months? For example: "Any preauthorization area within an SCP, for which this process is not completed within 24 months following ARRT approval of this plan, will be removed as a pre-authorized area until such time that the process is completed."

This Preauthorization Area overlaps offshore areas included in several subarea contingency plans (SCPs), i.e., the Prince William Sound, Cook Inlet, Kodiak Island, Bristol Bay, and Aleutian Islands SCPs. Following approval of this plan by the ARRT, the appropriate USCG Federal On-Scene Coordinator (FOSC), EPA FOSC, and Alaska Department of Environmental Conservation (ADEC) State On-Scene Coordinator—who are the SCP plan holders—shall engage federal and state natural resource trustees, federally-recognized tribes, and stakeholders in a consensus process to identify locations where dispersant use should be avoided within the Preauthorization Area where the Preauthorization Area overlaps their respective SCP. Any identified locations shall be included in Section I (Dispersant Use Avoidance Areas) of each SCP and posted online (see <http://alaskarrt.org/Documents.aspx?f=175>). This process shall be completed within 24 months following ARRT approval of this plan. Any avoidance area identified in the identified subarea contingency plans shall no longer be considered part of the Preauthorization Area for dispersant use and shall be automatically reclassified as an Undesignated Area that follows the Case-by-Case process outlined in Tab 1, Part 1B.

Undesignated Areas

Undesignated Areas include all marine waters in Alaska outside of a the Preauthorization Area. Undesignated Areas are described as follows: These Undesignated Areas overlap offshore areas included in several SCPs as noted above. Following approval of this plan by the ARRT, the appropriate USCG FOSC, EPA FOSC, and ADEC SOSC—who are the SCP plan holders—shall engage federal and state natural resource trustees, federally-recognized tribes, and stakeholders in a consensus process to identify locations where dispersant use should be avoided within the Undesignated Areas where the Undesignated Areas overlap their respective SCP. Any

- OK
- In accordance with the NCP - Subpart J (Section 300.910(b)), for spills situations that are not addressed by the preauthorization plan, the [Federal] OSC, with concurrence of the EPA representative to the RRT and, as appropriate, the concurrence of the RRT representative from the state with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with the DOI and DOC natural resource trustees, when practicable, may authorize the use of dispersants on oil discharges provided that the products are listed on the NCP Product Schedule⁵.
 - In accordance with the NCP - Subpart J (Section 300.910(d)), the [Federal] OSC may authorize the use of any dispersant without obtaining the concurrence of the EPA representative to the RRT and, as appropriate, the RRT representative from the state with jurisdiction over the navigable waters threatened by the release or discharge, when, in the judgment of the [Federal] OSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life. In that case, the [Federal] OSC is to inform (as soon as possible) the EPA RRT representative and, as appropriate, the RRT representative from the affected state and, when practicable, the DOI and DOC natural resource trustees⁶ of the use of a product, including products not on the NCP Product Schedule. Once the threat to human life has subsided, the continued use of dispersant must follow the approval process described in Section 300.910(a) or (b).

Comment [VP3]: Edit to align with regulatory language.

1.4 Dispersant Areas

Preauthorization Area

The Preauthorization Area for Alaska is shown on Figure 2 and is described as follows: Commencing at Cape Suckling in position 59-59.35N 143-53.49W, then proceeding south to 200 nautical miles offshore to position 56-18.00N 144-00.00W, then proceeding westerly along the 200 nautical mile EEZ line until it intersects with the maritime boundary line (MBL) in position 51-21.49N 167-40.44W, then proceeding northeast along the MBL to position 54-54.00N 171-58.50W, then proceeding easterly remaining 100 nautical miles offshore to position 55-45.00N 167-00.00W, then proceeding southeasterly to Cape Sarichef in position 54-35.90N 164-55.65W, then proceeding northwesterly directly to 24 nautical miles offshore to position 54-52.43N 165-26.00W, then proceeding westerly remaining 24 nautical miles offshore following along the entire Aleutian Islands chain rounding Attu Island counter clockwise and entering the North Pacific Ocean, then proceeding eastward along the southern coast of the Aleutian Islands and south of the Shumagin Islands into the Gulf of Alaska and along the eastern coast of the Kodiak Archipelago, then proceeding south of the Kenai Peninsula and Prince William Sound until reaching position 59-29.00N 144-03.00W, and then proceeding north connecting to Cape Suckling in position 59-59.35N 143-53.49W. The Preauthorization Area excludes any avoidance areas identified in their respective SCPs.

OK

Comment [VP4]: This added language reflects the process for determining avoidance areas that you have committed to below.

⁵ In Alaska, the natural resource trustee authorities are vested in the DOI and DOC ARRT representatives; state authorities for oil spill response are vested in the State On-Scene Coordinator.

⁶ In Alaska, the natural resource trustee authorities are vested in the DOI and DOC ARRT representatives

Field, Chris

From: Bernhardt, Rick R (DEC) [rick.bernhardt@alaska.gov]
Sent: Tuesday, March 11, 2014 2:55 PM
To: Pamela Bergmann
Cc: Capt. Dan Travers; Folley, Gary B (DEC); Everett, Mark CIV; Field, Chris
Subject: Impromptu Dispersant Meeting

Hi Pamela et al,

I'm hoping to have a telecon with you, Capt. Travers, Gary Folley, Mark Everett, & possibly Chris Field (all cc'd) to finalize language on the pre-authorization plan. Could we meet by phone at 3:15? If not, please propose a time that will work tomorrow (Wednesday) morning. Hopefully, we can satisfy everybody's concerns by eliminating the need for a 2nd field test and explicitly stating:

"Industry satisfies the requirement to have the capability to deploy dispersants within seven hours of an OSC's order to apply dispersants by maintaining dispersants, dispersant application platforms, and Tier I-III monitoring capabilities within Alaska. Yet, the timeline to actually deploy dispersants will be adjusted, at the discretion of the OSC(s), based on the imminence of the threat. This means that distantly offshore oil slicks may have a longer operational timeline, compared to proximate oil slicks."

Toll Free number: 877-917-7298
Pass Code: 1749003

Richard R. Bernhardt, PhD

Preparedness Section Manager
Prevention and Emergency Response Program
Alaska Department of Environmental Conservation
Ph: (907) 269-7683
Fax: (907) 269-7648

3/11/2014 QUICK DWG CALL,

I think we should have a realistically achievable pre-auth criteria through out the pre-auth zone.

At same time, I want industry to strive for and invest in Tier II + III monitoring capability as early in process as possible

Zone = 24 to 200 mi

Per GARY: Working in 2nd sentence in checklist doesn't make sense. This is the part re-written by Travers + Pamela (Section 2.1, 10th triangle bullet)

My comment: I concur w/ current re-write and not willing to fall on sword because POSC can always activate RPT¹ to get approval to proceed w/ dispersants even though T2+3 isn't feasible. Case by case will reach the goal just fine.

Field, Chris

To: Gary Folley; Kristin.ryan@alaska.gov; Daniel.J.Travers@uscg.mil; Mark.Everett@uscg.mil; Stocklin, Paul M CDR; Combes, Marcia; Knowles, Nicholas; Terada, Calvin; Fordham, Tami; Susan.D.Hargis@uscg.mil; McNutt, Cecil D. GS; Bornemann, Scott W CAPT; Pamela Bergmann; Doug Helton - NOAA Federal; John Whitney - NOAA Federal
Subject: Updated ARRT Gantt Chart Ver 18Jul2013
Attachments: ARRT Stakeholder and Tribal outreach-G2G timeline- v-18Jul.xlsx

OK Folks,

Here's the latest update. I apologize for not using a change/tracking format, please take a good final look at the tasks and timeline as we launch this effort. I changed/clarified wording where comments suggested the need. Hopefully this helps make the intent of each line more clear. I really want to keep this to one printable page for easy and fast reference.

For me, the amount of work involved with this outreach/G2G effort is really starting to sink in, but I don't see any other way of meeting our obligations to our stakeholders, public, and tribal organizations. I made some final tweaks to the timeline based on the latest comments, so look closely. It's an ambitious schedule no doubt, but I think it is doable if each item has a named lead and they ensure pre-work and coordination are done so that they can deliver the line item on time. I've added the RRT Coordinators (Nick and Cecil) to this email because we are going to need their help to get this done.

Comments I rec'd from Mark, Pamela, Tami and Capt Travers prompted changes at lines: 9,10,11,14,15,16,17,18,19 and 26. The list of discussion topics below are items where changes were suggested but not made or items that warrant further consideration. Please review the questions below and be ready discuss on the next call (scheduled by Capt Travers):

1. Rather than invite all public to the workshops, suggest we conduct "public comment period" for 30 days in Sept?
2. We need more clarity on the agenda for one-day workshops...can Sudie or Capt Travers put one together and share?
3. Doug H suggested the letters to "targeted stakeholders"... can he draft a list of them?
4. Tami suggests that an additional workshop in King Salmon might reach tribes not well served by the current 4 workshops?
5. "Key stakeholders" changed to "Targeted". This reflects the fact that certain stakeholder buy-in is essential (Doug's list)
6. Besides welcome letters to "targeting stakeholders" and tribes, ... how do other entities get invited? Web-post?
7. Line 6 - time is here/now. Lines 6&7 are crucial, we need to schedule asap. Who is lead
8. Line 8 - who is lead, ..and will ensure done by end of Sept?
9. Line 12 - need to sched 4 workshops AND 4 follow-ups on our calendars ...asap.
10. Line 16 - ambitious but doable if we commit.
11. Line 19 - could be concurrent with normal Feb ARRT meeting and AFE in Anchorage?
12. Line 20 - Will this be done by START contractor and RRT Coordntrs, ..or by the DWG?
13. Note that I added RRT Coordinators involvement at lines: 7/9/10/18/20/23/25.

Thanks,

Chris.

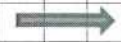
Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

Alaska Unified Plan, Appendix I - Outreach and Consultation Plan		Timeline													
		2013							2014						
TASK	Assigned to	J	J	A	S	O	N	D	J	F	M	A	M	J	
Phase 1 - Process planning and conduct initial meetings															
1	Finalize extent of proposed Pre-auth zone, inform key HQ Reps and gain State concurrence	CG,EPA,DOI,DOC,DEC,FOSCs													
2	Complete draft revision of Appendix I	Travers/Bergman													
3	Agency, RRT and legal reviews, as deemed necessary.	CG,EPA,DOI,DOC,DEC													
4	Identify experienced facilitator, arrange contract/funding	EPA/CG?													
5	Preliminary call with facilitator to define needs and goals and discuss scoping meeting	EPA,CG,DEC													
6	Schedule and implement 1 full day scoping meeting with facilitator,EPA, USCG, DOI, DOC, DEC	EPA,CG,DOI,DOC,DEC,FOSCs													
7	Prepare Brochures, identify dates and locations, handle all logistics for 4 "hub" workshops	Facilitator, RRT Coordntrs													
8	Initiate ESA and EFH consultation with USFW and NMFS	DWG													
9	Send formal letters to all affected Tribal Chairs offering formal consultation on ARRT-dispersant policy	RRT Co-Chairs and Coordntrs													
10	Letter invitations to targeted stakeholders to workshop (Acedamia, OSROS and other special interests)	RRT Co-Chairs and Coordntrs													
11	Conduct phone and email outreach to Tribes and targeted stakeholders	Facilitator, EPA, CG													
	Conduct 4 one-day informational workshops for all interested stakeholders, tribes and public														
12	[Anchorage,Valdez,Kodiak,Dutch Harbor] + DILLINGHAM	CG,EPA,DOI,DOC,DEC,FOSCs													
13	Some number of G2G, Tribe-specific phone consultations may be requested, in addition to F2F G2G	CG,EPA,DOI,DOC,DEC,FOSCs													
14	Send letters from ARRT Co-Chairs to all Tribal Chairs documenting G2G and invite to second set of workshops	RRT Co-Chairs													
Phase 2 - Conduct second round of meetings and receive/review input															
16	Conduct Second set of informational workshops and consultations in all 4 areas to continue outreach/G2G	CG,EPA,DOI,DOC,DEC,FOSCs													
17	Some number of G2G, Tribe-specific phone consultations may be requested, in addition to F2F G2G	CG,EPA,DOI,DOC,DEC,FOSCs													
18	Document and summarize all public and Tribal input for RRT consideration	EPA Contractor & RRT Coordntrs													
19	Special one-day RRT session to consider public/stakeholder/Tribal input, and hear RRT member input	EPA,DEC,DOI,DOC,CG													
20	Prepare final dispersant policy for review by Agencies and RRT	EPA Contractr & RRT Coordntrs													
21	Finalize ESA and EFH consultation with USFW and NMFS, based on the final revision	DWG													
Phase 3 - Approve revised dispersant policy															
23	Final plan is distributed to ARRT for reiew	RRT Coordntrs													
24	4 agencies sign Pre-auth Plan [if Pre-auth is part of appendix I after public,stakeholder,Tribal input]	EPA,DEC,DOC,DOI													
25	Add updated Appendix I to Unified Plan	DEC & RRT Coordntrs													
26	Subarea Committees to determine necessary changes to SCPs based on Pre-auth Plan	FOSCs													
**This process is consistent with the ARRT draft Tribal coordination guidance															
Rev-18Jul2013															

TENTATIVE PUBLIC
 COMMENT PERIOD
 SUGGEST 75 DAYS
 (60)

AFE



[illegible]

RE: MIKE MUNGER LETTER OF 10/11/13
→ 907.283.7222

Field, Chris

To: Mark.Everett@uscg.mil; Ryan, Kristin J (DEC)
Subject: RE: call to Mike Munger...

Mark and Kristin,
Just letting you know that I called his office and was given his v-mail because he is out of office, returning 11/8. I left a message indicating that we appreciate his participation in the ARRT and we take his concerns seriously. I said the 3 of us have discussed his concerns and we have planned a meeting in Kenai for Sept 2015 (soonest possible) and that we are revising the AUP revision process for better consistency and efficiency. I gave my number and asked him to call me if he'd like to discuss anything further.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

-----Original Message-----

From: Mark.Everett@uscg.mil [<mailto:Mark.Everett@uscg.mil>]
Sent: Thursday, October 17, 2013 9:33 AM
To: Field, Chris; kristin.ryan@alaska.gov
Cc: Travers, Daniel J CAPT; Stocklin, Paul M CDR; Combes, Marcia; doug.helton@noaa.gov; Bergmann, Pamela; Folley, Gary B (DEC); McNutt Jr., Cecil D CIV; Knowles, Nicholas
Subject:

FYSA. I called Mike Munger yesterday and walked him through our rationale for choosing the hub locations (emphasis on mandate for tribal G-2-G consultation and limitations on travel resources). It didn't scratch his itch. You're welcome to have a go; you're on the letter, too.

He requested a future ARRT meeting in Kenai. Let's consider that in scheduling of our 2015 meetings.

Mark L. Everett
Incident Management & Preparedness Advisor USCG Co-Chair Alaska Regional Response Team
Seventeenth Coast Guard District Juneau, AK
w: (907) 463-2804
c: (907) 209-0729

Field, Chris

From: Folley, Gary B (DEC) [gary.folley@alaska.gov]
Sent: Tuesday, November 05, 2013 1:06 PM
To: 'James.D.Nunez@uscg.mil'; Hargis, Susan D CIV; Field, Chris; Travers, Daniel J CAPT; Bornemann, Scott W CAPT; Combes, Marcia; Pamela_Bergmann@ios.doi.gov; doug.helton@noaa.gov; Stocklin, Paul M CDR; Everett, Mark CIV; Ryan, Kristin J (DEC); john.whitney@noaa.gov; Fordham, Tami; janc@gci.net; Bernhardt, Rick R (DEC); Smith, Crystal M D (DEC)
Subject: Exxon Valdez Response; health impacts from use of dispersants
Attachments: 1989-0200-2111.pdf; The Exxon Valdez Oil Spill Final Report, State of Alaska Response.pdf

Chris asked if there was a reference we could refer to concerning human health impacts associated with the use of dispersants during the Exxon Valdez response.

It is a question that we need to be prepared to answer, and the first step is to establish how dispersants were actually used. This is important, because at past public workshops comments were made that did not match reality.

The facts regarding use:

The attached State of Alaska Report is one good reference that documents the dispersant tests that took place during the three days following the grounding. These were test applications only. Although full scale use was approved by the OSC, it never happened. The weather deteriorated and the application window was lost.

Corexit 9580 was considered as a chemical cleaner on oiled beaches and test applications took place in both 1989 and 1990. However, full scale used was not approved.

Bioremediation agents (Inipol EAP22) were used on some oiled beaches. Bioremediation agents are basically fertilizers. At previous public workshops commenters have confused Inipol with Corexit.

Impacts to worker health:

There were claims that were submitted by beach cleanup workers that specifically referenced chemical agents including Inipol. The problem is that all claims were settled by Exxon and the claimants signed confidentiality agreements.

Health complaints filed by beach cleanup workers were many and varied. The attached NIOSH investigation is one good source. Can it be established that any symptoms were the result of exposure to Corexit during the beach trials or to the use of Inipol? I think there were too many variables to draw any meaningful conclusions.

Gary B. Folley

Manager, Prevention and Emergency Response Program
Division of Spill Prevention and Response
Alaska Department of Environmental Conservation
43335 K-Beach Road, Suite 11
Soldotna, Alaska 99669

(907) 262-3411
(907) 398-4368 (cell)
(907) 262-2294 (fax)

-----Original Message-----

From: James.D.Nunez@uscg.mil [<mailto:James.D.Nunez@uscg.mil>]

Sent: Monday, November 04, 2013 9:28 AM

To: Hargis, Susan D CIV; Field.Chris@epa.gov; Travers, Daniel J CAPT; Bornemann, Scott W CAPT; Combes, Marcia; Folley, Gary B (DEC); [Pamela Bergmann@ios.doi.gov](mailto:Pamela.Bergmann@ios.doi.gov); doug.helton@noaa.gov; Stocklin, Paul M CDR; Everett, Mark CIV; Ryan, Kristin J (DEC); john.whitney@noaa.gov; Fordham, Tami; janc@gci.net; Bernhardt, Rick R (DEC); Smith, Crystal M D (DEC)

Subject: Mon 11/4 TELECON @ 1300AST

DWG,

It's the last Monday telecon before we hit the road! I've attached the combined FAQ for everyone's review.

Call in info:

Toll Free number: 888-455-5942

Pass Code: 86374

I have the flag conference room reserved for those of us in Juneau.

V/r,

James

LTJG James Nunez

17th Coast Guard District

District Response Advisory Team

(907)463-2806 james.d.nunez@uscg.mil

Field, Chris

From: Field, Chris
Sent: Wednesday, November 27, 2013 7:29 AM
To: 'Daniel.J.Travers@uscg.mil'; Everett, Mark CIV
Cc: Stocklin, Paul M CDR; Nunez, James D LTJG; Bornemann, Scott W CAPT; Combes, Marcia; Terada, Calvin
Subject: RE: Public Comment: Draft Dispersant Authorization Plan

All,
I concur that the comments are valid and that we give them appropriate consideration before finalizing the dispersant guidelines, same as for all other valid comments we receive. I suspect we'll want to tier the comments we rec've into a few categories, separating those that may result in changes to the Plan, ...vs those that would not.

Chris D. Field, Program Manager,
EPA Emergency Management Program, Region 10
(206) 553-1674

*24 hour Emergencies (206) 553-1263

-----Original Message-----

From: Daniel.J.Travers@uscg.mil [mailto:Daniel.J.Travers@uscg.mil]
Sent: Tuesday, November 26, 2013 2:47 PM
To: Everett, Mark CIV; Field, Chris
Cc: Stocklin, Paul M CDR; Nunez, James D LTJG; Bornemann, Scott W CAPT
Subject: RE: Public Comment: Draft Dispersant Authorization Plan

Mark / Chris,

Likewise concur with Bill's observation and glad he followed up with us. This is exactly the type of input we were looking for when we sought public comment. LTJG Nunez suggested a good workable solution in that we require Tier 1 to be in place within seven hours with Tier 2 and 3 being in place within XX hours. XX hours will be determined based on discussion with Bill and other marine experts to determine a suitable time to get on scene from several locations spread out through the pre-authorization area. This will ensure that industry strives to put appropriate resources in place to respond within XX hours. We would then adjust our requirement that if Tier 2 and 3 could not be on scene within this new XX timeframe, it would shift to case-by-case approval process. Thoughts?

Here is the CFR that Bill references. It references a 5 knot speed when gauging distances, which seems incredibly conservative to me, as it would take 40 hours to arrive on scene at the 200 NM EEZ limit.

Definitely something we need to factor when we decide what XX will be.

<http://www.gpo.gov/fdsys/pkg/CFR-2013-title33-vol2/xml/CFR-2013-title33-vol2-sec155-1050.xml>

v/r,
CAPT Dan Travers
Chief, Incident Management Branch
Seventeenth Coast Guard District
709 W. 9th Street
Juneau, AK 99802-5517
Phone: (907) 463-2245

Mobile: (907) 723-2796
Daniel.J.Travers@uscg.mil

-----Original Message-----

From: Everett, Mark CIV
Sent: Tuesday, November 26, 2013 8:57 AM
To: Nunez, James D LTJG; Travers, Daniel J CAPT; 'Field.Chris@epa.gov'
Cc: Everett, Mark CIV; Stocklin, Paul M CDR
Subject: RE: Public Comment: Draft Dispersant Authorization Plan

I completely agree with Bill's (a retired savvy Marine Safety Officer with tons of AK experience) observation and likewise came to this realization during our outreach. John Ingles (ADEC), too, pointed out that SMART 2 and 3 can't be deployed in much (most?) of the preauth zone within 7 hours. This is a fact we have to deal with. Can the standard be met in the majority of the preauth zone? Are we going to require industry to comply with the 7 hour SMART 2 and 3 availability standard for the preauth zone or simply allow a reversion to case-by-case decision making for those areas? We may be accused of bad faith on either path.

-----Original Message-----

From: Nunez, James D LTJG
Sent: Tuesday, November 26, 2013 8:43 AM
To: William.Jeffries@bp.com
Cc: Travers, Daniel J CAPT; Everett, Mark CIV; 'Field.Chris@epa.gov'
Subject: RE: Public Comment: Draft Dispersant Authorization Plan

Mr. Jeffries,

Thank you for your input. I will incorporate your comments into our comment matrix. Also, I have CC'd the Dispersant Work Group chair and the RRT Co-Chairs. They will be able to better answer your question.

Best regards,

LTJG James Nunez
17th Coast Guard District
District Response Advisory Team
(907)463-2806 james.d.nunez@uscg.mil

-----Original Message-----

From: William.Jeffries@bp.com [mailto:William.Jeffries@bp.com]
Sent: Tuesday, November 26, 2013 8:22 AM
To: Nunez, James D LTJG
Subject: Public Comment: Draft Dispersant Authorization Plan

LT Nunez

Please consider the following as a written comment to Alaska RRT's public meetings regarding the subject plan.

On page F-11 within the Draft Oil Dispersant Authorization Plan

"All dispersant applications (including field tests) will include effectiveness monitoring as outlined in the Special Monitoring of Applied Response Technologies (SMART) Tier 1, Tier 2, and Tier 3 protocols (see Tab 3, Part 1). In the event SMART Tier 2 and Tier 3 monitoring is not operationally feasible in the Preauthorization Area, the request for dispersant use or

continued use will be considered via the Process for Case-by-Case Dispersant Use Authorization in Tab 1, Part 1B."

Question: Can the RRT provide a definition of "operationally feasible" so the plan holder can provide the 24/7/365 capability to conduct SMART 2 & 3 monitoring within the anticipated time and distance from shore?

In pre-authorized areas the capability to conduct aerial dispersant application is required within 7 hours of the decision by the FOSC Ref: 33CFR155.1050(k)(1). SMART 1 is also conducted by aerial observation; both operationally feasible. However, SMART 2 & 3 require active sampling from a vessel on the water. And it is unlikely a vessel with qualified personnel will be able to get to all locations within the pre-authorized area within 7 hours. In certain cases, it would be deemed operationally unfeasible if not impossible. It appears from the draft document that the USCG and RRT anticipates these conditions and have provided a "case-by-case" alternative. The plan holder must however provide a degree of capability that meets the Area Plan (see Appendix B to Part 155 Section 8.3.) Capability needs to be defined so that the plan holder understands the measure of compliance as it relates to readiness.

Thank you.

Bill Jeffries
Marine Affairs Advisor, AK
BP Shipping (USA)
(907) 564-4905 (Work)
(907) 267-9503 (Cell)

Picture (Device Independent Bitmap)

Field, Chris

From: Doug Helton - NOAA Federal [doug.helton@noaa.gov]
Sent: Monday, November 25, 2013 2:29 PM
To: James.D.Nunez@uscg.mil; Hargis, Susan D CIV; Field, Chris; Travers, Daniel J CAPT; Bornemann, Scott W CAPT; Combes, Marcia; Folley, Gary B (DEC); Pamela_Bergmann@ios.doi.gov; Stocklin, Paul M CDR; Everett, Mark CIV; Ryan, Kristin J (DEC); John Whitney - NOAA Federal; Fordham, Tami; janc@gci.net; Rick.Bernhardt@alaska.gov; Crystal.Smith2@alaska.gov
Cc: Ben Sherman - NOAA Federal; Keeley Belva - NOAA Federal; Vicki Loe; Debbie Payton - NOAA Federal; Joe Inslee - NOAA Affiliate
Subject: RE: Mon 11/25 TELECON @ 1300AST

Dutch Harbor news coverage:

<http://kucb.org/news/article/state-proposes-changes-to-oil-spill-response-plan/>

State Proposes Changes to Oil Spill Response Plan

By Annie Ropeik

Friday, November 22 2013

State officials were in Unalaska on Friday to talk about a proposal pre-authorizing the use of chemical dispersants on oil spills in Alaska waters.

Officials from the Alaska Regional Response Team spent four hours at City Hall taking public comment on the proposed changes.

They said the update to the state's 25-year-old spill response plan wouldn't guarantee that the controversial dispersants would be used -- it would just make it easier to deploy them in the event of a crude oil spill from a tanker.

Mark Everett is the Coast Guard's co-chair on the ARRT. He said they're drawing on lessons from spills like the Deepwater Horizon in the Gulf of Mexico and the Exxon Valdez, the only spill in Alaska where dispersants have been used. He said the main lesson is that it's important to act quickly.

"A crisis is not the time to find the tool that you need," he said. "The pre-spill environment, the planning environment is the time to do that collaboration and to receive the input you need to be able to make the best possible decision when you absolutely have to."

The ARRT has been touring the proposed area where dispersants would be pre-authorized. That area stretches from the waters off Prince William Sound to the tip of the Aleutian chain. In the Aleutians, it begins off-shore and extends 100 nautical miles to the north and 200 nautical miles to the south. Officials say that's where crude oil tankers travel, and where a spill would most likely occur. The zone has anchor points -- narrow channels in to shore -- at Cape Suckling and Cape Sarichef.

At the meeting, the ARRT officials went through a proposed checklist where officials could evaluate the environmental risks from an active spill and talk to federal, state, tribal and community stakeholders. The proposal also includes a process for identifying parts of the pre-authorization area where dispersants shouldn't be used, like wildlife habitats or fishing grounds. And it lets officials designate areas outside the pre-authorized zone where they could use dispersants if they needed to -- like closer to shore off Unalaska.

Chris Field of the Environmental Protection Agency noted that dispersants are already generally authorized in the state, but are very rarely used anywhere. They're one of Alaska's two options if mechanical oil recovery fails during a spill. The other is burning the oil on the surface.

Field said the pre-authorization proposal creates more streamlined checks and balances to put dispersants into action.

"If you have a pre-authorization plan, which we're proposing as part of these dispersant guidelines, then the federal on-scene coordinator can initiate the use of dispersants without getting EPA and state approval because we've already agreed to the pre-authorization plan," he said.

He also said this proposal could prompt the private companies that own the dispersants to put stocks of them closer to where spills can occur -- within six to seven hours, maximum.

The ARRT members took comments from their Unalaska audience to help shape the plan. Some people were concerned about environmental impacts and local involvement in the decision-making process.

Unalaska natural resources analyst Frank Kelty asked if dispersants could seep into the water taken in by processing plants in Dutch Harbor.

Rick Bernhardt, the state's spill preparedness coordinator, said dispersants could threaten processors, but that spilled oil would already pose a far greater threat.

"So if you're sucking up dispersants, in reality, the fishery's gonna be shut down," he said. "You're not going to get one without the other."

Kelty said he recognized that, but he still wanted a way for seafood processors to be involved during a spill.

"I want to make sure the processing industry is part of your stakeholders that would be notified immediately," he said.

Others wanted to know more about the research behind different brands of dispersants, and how toxic they can be to everything from seafood stocks and wildlife to the phytoplankton some of those animals eat.

Bernhardt said they're considering those topics. He said they recognize that no dispersant is completely safe, and that dispersing the oil into the water column doesn't completely solve the problem. But he emphasized that oil is damaging to the environment on its own if left untreated.

"Every decision that we're going to make in the response community once that oil is in the water . has risks. It has potential to do further harm," he said. "What we're really talking about here in the process of decision-making for spill response is, what's the greatest possible good that we can do and the least possible impact on the environment?"

And he noted that there are safer dispersants available now than there were during the Exxon Valdez spill.

Carl Wassilie represents the Center for Water Advocacy in Homer. He called in to the meeting and said he had concerns that tribal officials hadn't been given enough time to weigh in. And he said he wants more assurances on toxicity.

"I'd like to see some of that documentation," he said. "Is that something that's going to be in the report, that's part of this plan, that we can insure that we have a balanced approach to the use of dispersants?

Decision-making that includes all available science?"

Bernhardt said they're looking at that kind of research as part of the planning process.

The public can continue to comment on the pre-authorization proposal, which is posted online, until February 14, 2014.

-----Original Message-----

From: James.D.Nunez@uscg.mil [mailto:James.D.Nunez@uscg.mil]

Sent: Monday, November 25, 2013 10:51 AM

To: Hargis, Susan D CIV; Field.Chris@epa.gov; Travers, Daniel J CAPT; Bornemann, Scott W CAPT; Combes, Marcia; Folley, Gary B (DEC); Pamela_Bergmann@ios.doi.gov;

doug.helton@noaa.gov; Stocklin, Paul M CDR; Everett, Mark CIV; Ryan, Kristin J (DEC);

john.whitney@noaa.gov; Fordham, Tami; janc@gci.net; Rick.Bernhardt@alaska.gov;

Crystal.Smith2@alaska.gov

Subject: Mon 11/25 TELECON @ 1300AST

DWG,

Hello again! One more telecon this afternoon at 1300.

Call in info:

Toll Free number: 888-455-5942

Pass Code: 86374

I have the flag conference room reserved for those of us in Juneau.

V/r,

James

LTJG James Nunez

17th Coast Guard District

District Response Advisory Team

(907)463-2806 james.d.nunez@uscg.mil

Field, Chris

From: Folley, Gary B (DEC) [gary.folley@alaska.gov]
Sent: Tuesday, November 26, 2013 5:54 PM
To: Field, Chris; Mark.Everett@uscg.mil
Cc: Travers, Daniel J CAPT
Subject: Dispersant Guidelines Public Comment period; clarification

I want to make sure we are on the same page:

- The solicitation of public comment on any revisions to the Unified Plan is driven by a State of Alaska requirement, but that does not make it solely a State process. Because the Unified Plan is a joint State/Federal plan, we adhere to both State and Federal requirements for outreach and comment and proceed together in this effort.
- We entered the public comment period on the dispersant guidelines, Annex F, on September 25th, when the letter to stakeholders went out signed by Mark, Chris, and Kristin. So, the State and ARRT do not need to do anything additional to solicit public comment on the dispersant guidelines other than I need to make sure that all our affected parties, including the State Emergency Response Commission, legislators etc. were on that list of stakeholder recipients. If we missed anyone, I'll take care of that. We would also solicit a broader audience through newspapers.
- Where the confusion lies is that coming soon are other revisions to the Unified Plan besides Annex F. This will be revision 4 to the Unified Plan. If I understand things correctly, the Coast Guard is concerned that the dispersant guidelines would then be subjected to a second round of public comment because they would be included as part of Revision 4. I understand that could be a problem and should be avoided.
- **All that is needed at this point is a clarification to stakeholders that the comment period we are in now, that ends on February 14th, is their one and only shot at the dispersant guidelines.** Because of the anticipated interest in the dispersant guidelines an extraordinary stakeholder outreach was warranted. But when public comment is solicited on Revision 4, comments will only be accepted for the changes other than the dispersant guidelines, because the public comment process for Annex F was already completed. Not sure what format is appropriate for this clarification, letter or e-mail, but we can figure that out.

Let me know if I you see this another way.

Thanks,

Gary B. Folley

Manager, Prevention and Emergency Response Program
Division of Spill Prevention and Response
Alaska Department of Environmental Conservation
43335 K-Beach Road, Suite 11
Soldotna, Alaska 99669

(907) 262-3411
(907) 398-4368 (cell)
(907) 262-2294 (fax)

Field, Chris

From: Fordham, Tami
Sent: Thursday, January 09, 2014 11:55 AM
To: Field, Chris; Everett, Mark CIV
Cc: Susan.D.Hargis@uscg.mil
Subject: FW: FW: Invitation to Consult: Revision to 1989 Oil Dispersant Guidelines (Aleutians)

Importance: High

Hi, This message is old, however there is an opportunity for me to respond with some factual information and also encourage folks to consider the upcoming Aleutians sub area meeting and consultation opportunity. I was copied as I am the EPA TC working with the Aleutian and Pribilof Island tribes. I am sharing it with you so you can see the perspective that is out there (at least from Karen's perspective). I would like to respond and let folks know that there is the meeting coming up and if there is anything you would like me to add, perhaps the fact sheets Doug sent around recently, or anything else please let me know.

Thanks! Tami

From: Karen Pletnikoff [karenp@apiai.org]
Sent: Tuesday, November 19, 2013 2:02 PM
To: Robin Waldron; Fordham, Tami
Cc: Heather Thompson; Amy Foster; Lisa Jackson; Arlene Gundersen; Karis Porcincula; delores kochuten; HoneyLou Wilson; Tanna Lewis; Della Trumble; Zenia Borenin; Mark McNeley; Sally Mercurielief; Pamela Lestenkof
Subject: RE: FW: Invitation to Consult: Revision to 1989 Oil Dispersant Guidelines (Aleutians)

Hi Robin,

I went as a listener and asked questions. Tami was also there. It is a very important topic because part of the failures in the rebounding shrimp market in the Gulf of Mexico was that market perception of contaminated seafood from the use of dispersants. Our region cannot afford that kind of negative perception. I would encourage as many folks as you can to attend the meeting in Unalaska (probably at the Grand, actually) this Friday, November 22nd. Here are some of the other points brought up at the meeting.

Tribes are allowed to sit on the Alaska Regional Response Team (the group that makes the plans on policies on oil and other spill response and the dispersant regulations) as full members but so far, there are no Tribal representatives. The next ARRT meeting is in January, 2014. (Hint, hint! ;-))

The primary goal is for the USCG to get 'preauthorization' for the use of dispersants, so that they are able to make oil transporters (tankers) stage dispersants in Alaska for use in waters from 24 miles to the EEZ in Prince William Sound to the end of the Aleutians and Bristol Bay. There will not be any veto powers for Tribes to stop the use of dispersants, but outreach to local Tribes and Village Corporations are written into the plans now and the commitment from the current responders leadership is very strong.

Very little science has been done on the human health impacts of these compounds, which are mostly kerosene, with the rest a mix of chemicals (some of them trade secrets) that make the oil form tiny droplets which spread throughout the water column. Even less science has been done on these chemicals' impacts on subsistence foods and many cannot be tested for because we don't know what they are.

Finally, since the USCG is very set on getting preauthorization, it is critical that Tribes demand that they only allow the staging and use of dispersants for which the entire formula is known and without any secret, "proprietary" chemicals that cannot be tested for reliably. That way, we can at least make sure that dispersants are not ending up in our subsistence and commercial foods. COMMENTS ARE DUE FEBRUARY 14th!

Thank you for your interest and let me know if there is anything else we can do.

Karen Pletnikoff
(907) 222-4286
karenp@apiai.org<mailto:karenp@apiai.org>

From: Robin Waldron [mailto:robin.qawalangin@gmail.com]
Sent: Tuesday, November 19, 2013 1:37 PM
To: Fordham, Tami
Cc: Karen Pletnikoff; Heather Thompson; Amy Foster; Lisa Jackson; Arlene Gundersen; Karis Porcincula; delores kochuten; HoneyLou Wilson; Tanna Lewis; Della Trumble; Zenia Borenin; Mark McNeley; Sally Mercurief; Pamela Lestenkof
Subject: Re: FW: Invitation to Consult: Revision to 1989 Oil Dispersant Guidelines (Aleutians)

Good Afternoon, we are wondering if anyone is able to make it to this meeting?

On Tue, Oct 29, 2013 at 2:56 PM, Fordham, Tami
<Fordham.Tami@epa.gov<mailto:Fordham.Tami@epa.gov>> wrote:
Good Afternoon!
I wanted to make sure you all have seen the information about the upcoming tribal consultation meetings regarding the revisions to the 1989 Oil Dispersant Guidelines. There are plans to have meetings in various hub locations, including Dutch and Anchorage. Please see the information below and the attached letters.

Also, please know that revised guidelines are also on the Alaska Regional Response Team (ARRT) website, look at the information in the box on the left:
<http://alaskarrt.org/>

Thanks! Tami

-----Original Message-----

From: Susan.D.Hargis@uscg.mil<mailto:Susan.D.Hargis@uscg.mil>
[mailto:Susan.D.Hargis@uscg.mil<mailto:Susan.D.Hargis@uscg.mil>]
Sent: Tuesday, October 29, 2013 1:05 PM
To: Hargis, Susan D CIV
Cc: Nunez, James D LTJG; Fordham, Tami
Subject: FW: Invitation to Consult: Revision to 1989 Oil Dispersant Guidelines (Aleutians)

Dear Tribal Leader,

We want to be sure you received our previous letter emailed and postal mailed to you (below), and that you are aware of this opportunity to consult on the revision to the 1989 Oil Dispersant Guidelines. We know that this is an important issue for many federally recognized tribes.

It is very important that we hear from each tribe regarding your desire to engage in this government-to-government consultation process, which will include multiple opportunities for your input.

Proposed Revisions to the 1989 Oil Dispersant Guidelines for Alaska

Open for Public Comment through February 14, 2014

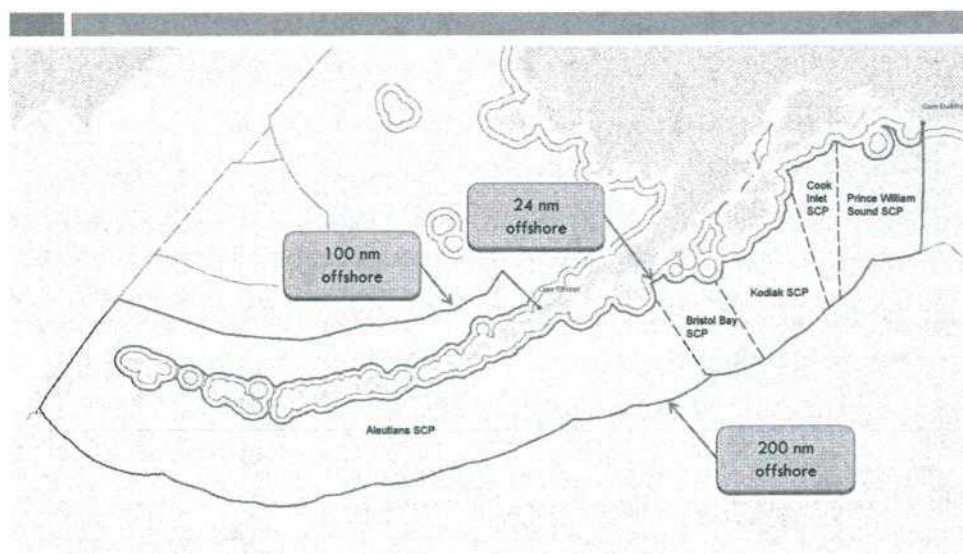
The Alaska Regional Response Team (ARRT), which is co-chaired by the Environmental Protection Agency and US Coast Guard, is one of 13 federal/state regional interagency teams established, in part, to develop regional plans that coordinate timely and effective emergency response plans for discharges of oil and/or hazardous substances under the *National Oil and Hazardous Substances Pollution Contingency Plan*. The *Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases* (also called the “Unified Plan”) is the regional response plan for Alaska. The Unified Plan includes statewide information, policies and guidelines, and is supplemented by ten Subarea Contingency Plans that are prepared locally by subarea committees and Federal and State On Scene Coordinators (FOSCs & SOSCs).

The ARRT is proposing to revise the 1989 Oil Dispersant Guidelines for Alaska, which are a part of the Unified Plan. The draft dispersant guidelines were released for public review in October 2013 and public comments are being accepted through February 14, 2014 (see www.alaskarrt.org to view the draft guidelines). Information about how to comment is provided at the end of this document.

The draft guidelines outline the process to be used following an oil discharge in Alaska’s marine environment when dispersant use is being considered in the proposed Preauthorization Area (shown below) or in an Undesignated Area (outside the preauthorization area). This draft guidelines also:

- Establish the preauthorization area and undesignated areas
- Provide a framework for subarea committees to identify dispersant use avoidance areas
- Pre-authorizes the FOSC to order dispersant use in the preauthorization area if conditions warrant
- Results in regulated dispersant response capability

Proposed Preauthorization Area



Tribal Consultation and Public Review Process to Date

The draft revisions to the 1989 Oil Dispersant Guidelines for Alaska were distributed for tribal government and public review in October 2013 and written comments on the draft are being accepted through February 14, 2014.

In accordance with Executive Order 13175, the Co-Chairs of the ARRT offered Government to Government consultation and coordination to federally recognized tribal governments within the five Subareas where the proposed Preauthorization Area occurs: Prince William Sound, Cook Inlet, Aleutians, Kodiak, and Bristol Bay. Over 80 tribal governments and over 80 ANCSA Corporations were invited by the ARRT to participate in tribal consultation and coordination (for a copy of this letter please visit the Alaska RRT website provided below). Tribal governments outside of the area were also offered an opportunity to request consultation.

Tribal government consultation meetings were held in November and December 2013 in Anchorage, Kodiak, Valdez, Unalaska and during the BIA Provider's Conference in Anchorage. Tribal governments were also invited to schedule time for additional consultation on February 4-6, 2014 in Anchorage.

Public meetings were held in November 2013 in King Salmon, Anchorage, Kodiak, Valdez, and Unalaska.

For a copy of the presentations shared during the tribal consultation and public meetings or for a copy of the proposed guidelines, please visit www.alaskarrt.org.

Written Comments Due February 14, 2014

Written comments on the draft revisions to the 1989 Oil Dispersant Guidelines for Alaska are due on February 14, 2014. To submit comments, please:

- Email comments to: james.d.nunez@uscg.mil or
- Mail to: Commander (DRM), 17th Coast Guard District, P.O. Box 25517, Juneau, AK 99802-5517

Please contact LT Nunez at james.d.nunez@uscg.mil or (907) 463-2806 with questions or comments regarding the draft guidelines and the review process.

Questions or comments regarding the tribal consultation process can be directed to the following agency tribal liaisons:

Sudie Hargis, US Coast Guard, phone: 907-321-8300, or email at susan.d.hargis@uscg.mil

Tami Fordham, EPA, 907-271-1484 or email at fordham.tami@epa.gov

Timeline for Dispersant Authorization Plan Government to Government Consultation and Stakeholder Outreach

25SEP13 – An initial letter was sent out notifying all tribes in the impacted five subareas of the opportunity to have government to government (G2G) consultation regarding the proposed Dispersant Authorization Plan. The electronic version of the letter is posted on RRT website:

<http://alaskarrt.org/files/Tribes%20for%20posting.pdf>

30SEP13 – Coast Guard D17 tribal liaison emails all tribes in the impacted five subareas to make notification of the opportunity to have G2G consultation regarding the proposed Dispersant Authorization Plan. The electronic version of the letter mailed out on 25SEP13 was included as an attachment.

01OCT – Stakeholder invitation to participate in outreach regarding the proposed Dispersant Authorization Plan emailed out to all impacted subareas' membership. The letter inviting ANSCA corporations to G2G consultation on 06DEC mailed and emailed out. Respective letters can be found here:

<http://alaskarrt.org/files/Stakeholder%20Letter%20FINAL%20signed.pdf> and here:

<http://alaskarrt.org/files/corps.pdf>

17OCT13 – Draft version of Dispersant Authorization Plan posted to RRT website.

29OCT13 – Coast Guard D17 tribal liaison emails all tribes in the impacted five subareas to make notification of the opportunity to have G2G consultation regarding the proposed Dispersant Authorization Plan. The electronic version of the letter mailed out on 25SEP13 was included as an attachment.

6-19NOV13 – EPA tribal coordinators call, fax, and/or email all tribes in the impacted five subareas to encourage attendance of hub meetings for G2G consultation regarding the proposed Dispersant Authorization Plan.

06NOV13 – All meeting agendas with location, call in information, and webinar information posted on RRT website.

13NOV13 – Hub meeting conducted in King Salmon, AK. All hub meetings consisted of closed door G2G consultation from 0800-1200 and stakeholder outreach from 1300-1700. Public comment period opens and will run through 14FEB14.

15NOV13 – Hub meeting conducted in Anchorage, AK.

18NOV13 – Hub meeting conducted in Kodiak, AK.

20NOV13 – Hub meeting conducted in Valdez, AK.

22NOV13 – Hub meeting conducted in Dutch Harbor, AK.

27NOV13 – Coast Guard D17 tribal liaison emails all tribes a reminder regarding the BIA Provider's Conference.

27NOV13 – Coast Guard D17 tribal liaison emails Regional ANCSA Corporations reminder regarding ANCSA meeting.

05DEC13 – Make up meeting held at Bureau of Indian Affairs Providers Conference in Anchorage, AK.

06DEC13 – G2G consultation meeting held for ANSCA corporations in Anchorage, AK.

13DEC13 – ADEC published public comment request on the Alaska Online Public Notice website seeking public comment on proposed Dispersant Authorization Plan. Request will run through 14FEB14.

15DEC13 – ADEC ran public notice in Fairbanks Daily News Miner seeking public comment on proposed Dispersant Authorization Plan.

18DEC13 – ADEC ran public notice in Anchorage Daily News and Juneau Empire seeking public comment on proposed Dispersant Authorization Plan.

Field, Chris

From: Fordham, Tami
Sent: Monday, February 10, 2014 3:43 PM
To: JAN CAULFIELD; Travers Daniel J CAPT
Cc: James.D.Nunez@uscg.mil; Hargis Susan D CIV; Field, Chris
Subject: RE: Tribal consultation comment matrix - Valdez 11-20-13TF.xlsx

That is all from me on the notes. No comments on the BIA Providers Meetings (as I was not taking my own notes since I was the facilitator), the only note is that two of the participants may not have been tribal government representatives. At the IGAP closing session we held on Friday during AFE, Emory Wheeler (Nome), stated he was a consultant for AITC. I am not sure that Mr. Brower is on the Council for ICAS or NVB, but I can track this down tomorrow – or we send the notes to those two tribal governments directly with a cc: to the individual who participated.

The commitment was to send the notes from the tribal coordination meetings to the tribal governments that participated. Under this agreement we only send the notes from the meeting to tribal governments, not to individuals. Following this logic, then we send the notes to the tribal government they each mentioned or included on the sign in sheet.

Thoughts?

** EMAIL EXCHANGE B/T TAMI + JANC AFTER TAMI ADDED TRIBAL COMMENTS FROM KODIAK, UNALASKA, PORT GRANN TRIBES.*

From: JAN CAULFIELD [mailto:janc@gci.net]
Sent: Monday, February 10, 2014 2:16 PM
To: Fordham, Tami; Travers Daniel J CAPT
Cc: James.D.Nunez@uscg.mil; Hargis Susan D CIV; Field, Chris; Jan Caulfield
Subject: Tribal consultation comment matrix - Valdez 11-20-13TF.xlsx

Tami & Sudie --

Re: all of these tribal matrices, the group had decided last week (12/4 call) to keep the tribal comment matrices separate, not integrate them with the public comment matrices.

If you keep with that decision, then all you have to ask them is "did we capture your comments and questions correctly?" from the tribal consultation meetings, and let them know that the group will be considering their comments fully as you finalize the auth. plan, and that you'll be back to them later to let them know how their comments have been addressed in the final plan. You don't need to ask them to get back to you to OK putting their tribal consultation comments into the public record.

Let me turn each of the excel spreadsheets that Tami sent back this afternoon into a PDF document to attach to the email(s) that you send to Tribes. I'll get those back to you first thing tomorrow morning.

Sound OK? Let me know if you have any questions, or want to go a different way with this,

Jan

----- Original Message -----

From: "Fordham Tami" <Fordham.Tami@epagov>
To: "Travers Daniel J CAPT" <Daniel.J.Travers@uscg.mil>
Cc: "James.D.Nunez@uscg.mil" <James.D.Nunez@uscg.mil>, "Hargis Susan D CIV" <Susan.D.Hargis@uscg.mil>, "Field Chris" <Field.Chris@epa.gov>, "Jan Caulfield" <janc@gci.net>
Sent: Mon, 10 Feb 2014 22:26:36 +0000
Subject:

Here is Valdez' ready to go.

Field, Chris

From: Bernhardt, Rick R (DEC) [rick.bernhardt@alaska.gov]
Sent: Wednesday, March 12, 2014 10:48 AM
To: Daniel.J.Travers@uscg.mil
Cc: Folley, Gary B (DEC); Everett, Mark CIV; Field, Chris; Pamela Bergmann
Subject: RE: Proposed Edits

Capt. Travers et al,

This is such a relief because it allows us to remain forthright with the public, knowing that there may be circumstances when it's simply not possible to check every box in every situation. We've spoken about making righteous decisions all along, and this is yet another example that makes me proud to be part of this group!

Thanks to all for making time in your busy schedules to discuss the State's reservations with the 2nd field test and its implications toward case-by-case decisions and tiered monitoring. After a thoughtful conversation, we're comfortable moving forward, knowing that we've made the best possible decision, given our working parameters. Warm regards,
Rick

Richard R. Bernhardt, PhD

*Preparedness Section Manager
Prevention and Emergency Response Program
Alaska Department of Environmental Conservation
Ph: (907) 269-7683
Fax: (907) 269-7648*

From: Daniel.J.Travers@uscg.mil [mailto:Daniel.J.Travers@uscg.mil]
Sent: Wednesday, March 12, 2014 9:23 AM
To: Bernhardt, Rick R (DEC)
Cc: Folley, Gary B (DEC)
Subject: Proposed Edits

Rick,

Here's the new proposed preamble for Tab 1, Part 1B: Process for Case-by-Case Dispersant Use Authorization as discussed:

The following information outlines the procedure that shall be followed when the application of dispersants into marine waters in Alaska is being proposed as a response option (1) for discharges of any type of oil in an Undesignated Area, (2) for discharges of any type of oil other than crude oil, in a Preauthorization Area, (3) **in the event it is not possible (e.g., due to logistical, weather, and/or sea conditions as confirmed or determined by the FOSC) to conduct SMART Tier 2 and Tier 3 monitoring in the Preauthorization Area**, and/or (4) for discharges of crude oil in a Preauthorization Area within 24 months following Alaska Regional Response Team (ARRT) approval of this plan.

I've highlighted the new bullet three in bold. This bullet was supposed to be included all along, as it's clearly one of the reasons to use the Process for Case-by-Case Dispersant Use Authorization and one of the reasons I highlighted during my hub meeting presentations. It just got missed when we made the recent edits. In any case, it clearly provides a path to only use Smart Tier 1 monitoring for a field test and full-scale application if all parties agree per the Case-by-Case process.

Please give me a call with any questions. Thanks.

v/r,
Dan

CAPT Dan Travers
Chief, Incident Management Branch
Seventeenth Coast Guard District
709 W. 9th Street
Juneau, AK 99802-5517
Phone: (907) 463-2245
Mobile: (907) 723-2796
Daniel.J.Travers@uscg.mil

Field, Chris

From: Bernhardt, Rick R (DEC) [rick.bernhardt@alaska.gov]
Sent: Friday, February 21, 2014 9:07 AM
To: James.D.Nunez@uscg.mil; Hargis, Susan D CIV; Field, Chris; Travers, Daniel J CAPT; Bornemann, Scott W CAPT; Combes, Marcia; Folley, Gary B (DEC); Pamela_Bergmann@ios.doi.gov; doug.helton@noaa.gov; Stocklin, Paul M CDR; Everett, Mark CIV; Ryan, Kristin J (DEC); john.whitney@noaa.gov; Fordham, Tami; janc@gci.net; Smith, Crystal M D (DEC); Wagner, Mark C CIV
Cc: Knowles, Nicholas; Sanden, Lizabeth
Subject: RE: Comment Matrix

The State proposes the following strategy for responding to public comments:

- All original comment letters should be posted to the ARRT's public website along with a completed copy of our comment matrix (perhaps not posted on the main/front page, but on a subordinate page)
- Everyone who submitted comments should receive:
 - o A form letter stating how to access all public comment letters at the ARRT website
 - o A photocopy of their original letter
 - o The entire comment matrix with responses to their (and others') summarized comments
 - o An offer to receive hardcopies of all original public comment letters upon request, if they're unable to access them online

Richard R. Bernhardt, PhD
Preparedness Section Manager
Prevention and Emergency Response Program Alaska Department of Environmental Conservation
Ph: (907) 269-7683
Fax: (907) 269-7648

-----Original Message-----

From: James.D.Nunez@uscg.mil [mailto:James.D.Nunez@uscg.mil]
Sent: Tuesday, February 18, 2014 6:05 PM
To: Hargis, Susan D CIV; Field.Chris@epa.gov; Travers, Daniel J CAPT; Bornemann, Scott W CAPT; Combes, Marcia; Folley, Gary B (DEC); Pamela_Bergmann@ios.doi.gov; doug.helton@noaa.gov; Stocklin, Paul M CDR; Everett, Mark CIV; Ryan, Kristin J (DEC); john.whitney@noaa.gov; Fordham, Tami; janc@gci.net; Bernhardt, Rick R (DEC); Smith, Crystal M D (DEC); Wagner, Mark C CIV
Cc: knowles.nicholas@epa.gov; Sanden, Lizabeth
Subject: Comment Matrix

DWG,

Here's the comment matrix! It contains all of the comments we have received up until the afternoon of 14FEB. There are still a good chunk of comments (69 pages from Dr. French, alone) that came in Friday evening and Saturday that still need to be incorporated but I didn't want to delay getting this out to the group. There is a lot of information to cover. I'll get the next round out to everyone by the end of next week. I tried my best to assign each line item comment to the appropriate member/agency of the DWG for review. To give an example, NOAA has food safety related comments, the STC was assigned general science questions, CAPT Bornemann was assigned FOSC specific comments, etc. General policy comments went to the RRT Co-Chairs.

Items that were specific to the way the plan was written were flagged for the "Edit Team" of CAPT Travers and Pamela. Many of the comments have elements that might require answers from multiple members of the work group. In this case, I tried to assign the comment to the person/agency with the biggest portion of the answer. If an item wasn't assigned to you but you feel that you have the answer or a portion of the answer, please add it in the green response column. Please have your documents to me by COB 14MAR. I will take everyone's individual documents to compile one master document and push back out to the group for review.

Liza will be posting all of the full documents and emails submitted for public comment to the private RRT site for your review as well. Liza, would it be possible to send a link to the group pointing to the host page?

Good luck!

V/r,

James

LT James Nunez
17th Coast Guard District
District Response Advisory Team
(907)463-2806 james.d.nunez@uscg.mil

Field, Chris

From: Daniel.J.Travers@uscg.mil on behalf of Travers, Daniel J CAPT
<Daniel.J.Travers@uscg.mil>
Sent: Thursday, April 03, 2014 5:42 PM
To: Combes, Marcia; Everett, Mark CIV
Cc: Field, Chris
Subject: Final Draft of ARRT Dispersant Use Plan for Alaska for ESA Consultation
Attachments: ARRT Dispersant Use Plan for Alaska_Draft Final 4-3-14.pdf

Marcia / Mark,

Attached is the FINAL DRAFT version of the ARRT Dispersant Use Plan for Alaska. Please submit to the Services for ESA consultation and keep me posted as to when they officially start the clock for the BO process.

As I understand the ESA Biological Assessment (BA) process, the formal consultation "clock" begins once it is determined by the Services that all materials required to conduct their analyses have been received. This review time is typically 30 days. Once the Services determine that all materials are received, they will deliver a formal notification that materials are satisfactory and formal consultation begins. According to regulation, from the date of initiation, they have 90 days to complete the draft BO and 45 days to allow CG/EPA to review a draft and deliver the final opinion.

I'm particularly curious to see if they wait 30 days to start the clock from the date you submit this FINAL DRAFT version or if they'll go quicker, since they've technically had the BA and a working draft of the Dispersant Use Plan since early February. Thanks and please contact me with any questions.

v/r,
CAPT Dan Travers
Chief, Incident Management Branch
Seventeenth Coast Guard District
709 W. 9th Street
Juneau, AK 99802-5517
Phone: (907) 463-2245
Mobile: (907) 723-2796
Daniel.J.Travers@uscg.mil

FROM CAPT. TRAVERS 1/21/14

Alaska Regional Response Team
Draft Oil Dispersant Authorization Plan

Summary of Tribal Meetings

November – December 2013

1. NARRATIVE MTG SUMMARY
2. SUMMARY OF COMMENTS/Q'S
3. LIST OF TRIBAL PARTICIPANTS

Background

The Alaska Regional Response Team (ARRT) conducted a series of public and tribal meetings in Alaska to present information on a proposed Oil Dispersant Authorization Plan and to provide an opportunity for questions and comments regarding the development of the plan document. The ARRT held private informational meetings for federally recognized Alaska Native tribes from November 13, 2013 to December 5, 2013 in King Salmon, Anchorage, Kodiak, Valdez, Dutch Harbor, and again in Anchorage at the Bureau of Indian Affairs Providers Conference on December 5. The ARRT scheduled a meeting on December 6 at the University of Alaska in Anchorage for Alaska Native Claims Settlement Act corporations; however, no representatives attended the meeting. Additional opportunities for tribal consultations may be scheduled for the week of February 3-7, 2014, during the Alaska Forum on the Environment in Anchorage. The invitation-only meetings will be held privately. This document provides a summary of the tribal meetings held in November and December 2013. A spreadsheet of comments, concerns, and questions expressed at the private tribal meetings will be provided to the Federally-recognized Alaska Native tribes participating in the tribal meetings and upon written request to LTJG James Nunez, United States Coast Guard (USCG), James.D.Nunez@uscg.mil or by calling (916) 300-9102.

All of the tribal meetings followed the same agenda and the information presented was the same at each location. To allow for participation of all interested parties for all meetings, the ARRT hosted a webinar link. As time permitted, meeting participants were allowed opportunities to ask clarifying questions following presentations and during the Questions & Discussion portion of the agenda. With each location, there were variations of topics discussed, comments provided by meeting participants, and needs for clarification of information within the draft Plan.

Meeting attendees (both in-person and via telephone) for each meeting location are listed in a separate document. This document will provide general information on the presentations and summaries of comments, concerns, and questions will follow. The meeting presentations are also available on the ARRT website: www.alaskaarrrt.org.

List of agency presenters and participants (note that not all attendees attended all meetings):

Alaska Department of Environmental Conservation: Gary Folley, Rick Bernhardt, Dale Gardner, Young Ha, and Crystal Smith.

United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA): Catherine Berg, Doug Helton and Dr. John Whitney.

United States Department of Interior: Pamela Bergmann

United States Environmental Protection Agency (EPA): Kathryn Brown, Marcia Combes, Michele Davis, Chris Field, and Tami Fordham. EPA Contractors: Liza Sanden and Vivian Melde.
United States Coast Guard: CAPT Scott Bornemann, Mark Everett, Sudie Hargis, CDR Benjamin Hawkins, CAPT Paul Mehler, CDR Shane Montoya, LTJG James Nunez, CAPT Dan Travers.
USCG Contractor: Jan Caulfield.

Summary of Meeting Presentations

- **Welcome/Overview of Meeting** – Jan Caulfield, a contractor with the USCG and meeting facilitator welcomed meeting attendees.
- **Government to Government/EO 13175** - Tami Fordham, EPA Tribal Liaison and/or Sudie Hargis, USCG Tribal Liaison provided government and tribal introductions and the meeting intent under Government-to-Government affirmation and Executive Order 13175. Ms. Fordham and Ms. Hargis explained that part of EPA/USCG's trust responsibility is to provide an information exchange as part of the consultation process with tribes. Individuals attempting to join in-person or by calling into the meetings that were not tribal members or speaking on behalf of a Federally-recognized tribe were asked to wait and participate in the public meetings in the afternoon. The facilitator explained the intent of the tribal meetings as private, invitation-only for the tribes. Other opportunities for consultation included the BIA Providers Conference, December 5, 2013, and at the Alaska Forum on the Environment the first week of February 2014. Tribes can request additional meetings with a group of agencies for consultations.
- **Overview of Spill Preparedness and Response** – ARRT Co-Chairs Mark Everett, USCG and Chris Field, EPA provided an overview of the federal authorities and responsibilities for spill preparedness and response, and the need for a preauthorization policy and plan for use of dispersants, which targets crude oil transiting offshore of Alaska. The overview covered the relationship between the National Contingency Plan (NCP), the Unified Plan for Alaska and Annex F of the Unified Plan; the need for a biological assessment before the ARRT can authorize the use of dispersants; the 10 Alaska subarea contingency plans (SCPs) and their relationship to the Unified Plan; and response options in the event of an oil spill, which include mechanical recovery as the preferred response, in-situ burning and dispersants as the least preferred options. The Dispersant Authorization Plan affects five subareas: Prince William Sound, Cook Inlet, Bristol Bay, Kodiak, and Aleutians; therefore, these areas were targeted for outreach meetings.
- Mr. Field directed participants to www.alaskarrt.org for a copy of current plans and meeting information for both ARRT and committee meetings. During his presentation, he compared roles of the ARRT and the subarea committees. The ARRT has a statewide policy focus and the subarea committees have detailed planning focus for the 10 subareas. Most ARRT meetings are open to public, and they are working on state-level policies and how to assist. Mr. Field discussed decisions made in response to oil spills and the environmental trade-offs. During a response, the Unified Command and Environmental Unit draw on the best science and localized knowledge available.
- Tribal involvement is important and tribes were encouraged to join subarea committees; to comment on plans; and to help identify sensitive areas and habitat. During emergency response, tribes are encouraged to engage the ARRT; get training on Incident Command System (ICS); and/or

serve as a tribal liaison officer on the command staff. Additionally, tribes were encouraged to participate in planning and exercises before a spill occurs to help develop trust and relationships before an incident occurs.

- The ARRT limited the size of the Dispersants Work Group and now that draft Plan is out, they would like to take several months to provide opportunities for input from tribes and the general public. Since 9/11, ICS is required for all agencies that participate in responses to ensure common language and terminology and management by objectives. In a significant event, the ARRT is stood up and reports to the Unified Command, which consists of the Federal On Scene Coordinator, the State On Scene Coordinator, the Local (or Tribal) On Scene Coordinator, and the Responsible Party's Incident Commander (FOSC, SOSC, LO SC, and RPIC). The Unified Command will stand up an Environmental Unit within the Planning Section of ICS to help with decisions regarding the response. The Unified Command enables the response team to form relationships and trust with all parties in the event of an environmental disaster. On the planning side, the parties should conduct drills and exercises to test response plans and to strengthen relationships during non-emergencies.
- **Draft Dispersant Authorization Plan** – CAPT Dan Travers, USCG provided an overview of the draft Dispersant Authorization Plan [Annex F], which is available for comments through February 14, 2014. He presented a summary of major changes to the plan and walked through the process for authorizing the use of dispersants using a hypothetical scenario for both the preauthorization areas and for a case-by-case basis. A copy of Annex F was provided for meeting attendees to use and follow while CAPT Travers walked through the processes. Additionally, Annex F can be downloaded from the ARRT website. Summary of major changes:
 1. There is only one preauthorization area: no zones; boundaries based on crude oil vessels transiting routes within the preauthorization area;
 2. Requires tribal and stakeholder input during several steps of the decision process;
 3. Requires a pre-test of dispersant before full scale application of dispersant;
 4. Requires monitoring to look at the effectiveness of dispersant application.
 5. Oil spill response checklist provides detailed process for dispersant use in the preauthorization area and process for case-by-case basis; and
 6. Requirement for an after action report.
- **Summary of Comments, Concerns, and Questions** – This summary provides general information on the types of comments, concerns, and questions heard during the tribal meetings, both in-person and via telephone. The ARRT is preparing a detailed comment/question spreadsheet, with responses, which will be provided, as a separate document, to tribes attending the meeting and upon request.
 1. ARRT received recommendations regarding the Draft Dispersant Authorization Plan document. One was to change measurement references in the document from meters to feet. Another recommendation on the presentation slide was to list the preferred response alternatives, in the order of ARRT's preference. If mechanical means is the preferred for recovery, then list mechanical first. If the use of dispersants is the least preferred, then list it last.

2. Comments were repeated in person and via telephone at the tribal meetings, which expressed the perceived lack of tribal and trustee involvement in the development of the preauthorization plan draft. Also individuals asked why there were no tribal members on the ARRT or on any of the subarea committees. Specifically, concern was expressed that the Alaska Inter Tribal Consortium (AITC) held a seat on the ARRT in the past; however, the seat was no longer available.
3. Comments questioning whether the tribal meetings were "formal consultations" were expressed at several meeting venues. A few tribal representatives requested one-on-one consultations separate from the meetings. [Note: Tribes have an opportunity to request Government-to-Government consultations at any time and the EPA/USCG is scheduling consultation meetings during the week of February 3-7, 2014 in conjunction with the Alaska Forum on the Environment in Anchorage.]
4. Commenters at all the tribal meetings expressed concern for impacts to human health and the environment from dispersant use. They questioned which dispersants are authorized, how much dispersant is applied, what chemical components the dispersants contain, and whether any long term studies have been done on the health risks associated with dispersant use. Additionally, concerns for the toxicity of dispersants were expressed at most of the tribal meetings. There were several references to toxic effects of Corexit that was used during the Exxon Valdez oil spill.
5. Concerns were expressed regarding the safety of dispersants on seafood resources and wildlife, and the economic impacts associated with the loss of those resources, if damaged or depleted by dispersants. One individual stated the State of Alaska looks at water quality standards and fish consumption rates relative to Alaskans. The individual asked whether the Food and Drug Administration standards consider that Alaskans have greater consumption rates of seafood than others outside of Alaska.
6. Recommendation to post signs in areas considered unsafe, if the areas cannot be cleaned up and residual oil still exists. Another individual commented that birds that were cleaned up from oil spills should be banded as unsafe for consumption, in the event they were harvested for food.
7. Meeting attendees questioned whether an evaluation or risk assessment had been done on the temporary storage of dispersants; the types and quantities of dispersants that would be stored in Alaska for emergency responses; and the risk of another accident or release of the dispersants in storage.
8. Concerns were expressed that although mechanical means of recovery was the preferred alternative, if only the effectiveness is only 10 percent, then it seems that would make dispersant use more favorable.
9. Meeting attendees asked how much time the preauthorization would take versus a case-by-case process and whether operators need to have dispersants available for responses without the preauthorization.
10. Concern was expressed that the decision to use dispersants was made during an exercise, before the tribe could thoroughly review the considerations. Adequate time would take 2-3 days; however, it was acknowledged that in a real response, timing was critical and a 7-hour

window was possible, specifically if the subarea contingency plan thoroughly addressed the decision-making considerations.

11. Meeting attendees questioned the use of dispersants in Alaska's climate: cold temperatures, ice conditions during freezing weather, and wind, tides, and currents. Several attendees brought up their concern for how dispersants would be applied in icy waters and how effective they are during winter conditions.
12. Concerns expressed that after Exxon Valdez oil spill in 1989, the Alaska Department of Fish & Game closed shrimp and crab fisheries and that fishermen were finding oil slicks floating in the subsurface of the water. Concern was expressed that dispersants will take oil from the surface and suspends oil droplets below the surface. As water temperatures rise the oil that is suspended will become volatile or sink to the bottom of the sea. Commenter stated that cold water slows the process of oil degradation.
13. Concerns were expressed regarding impacts on dispersants with subsistence areas and whether those areas could ever recover from destruction of marine habitat from the use of dispersants. Commenters stated that the areas referred to in the preauthorization plan are the best fishing areas. The economic impacts would be devastating to many communities that rely on commercial and subsistence resources. Commenters felt there was not enough research done on the long term biological impacts on areas where dispersants had been used; i.e. Exxon Valdez and the Deepwater Horizon spills.
14. Concerns were expressed regarding long-term monitoring of areas after use of dispersants.
15. Concerns were expressed on who would serve on the Environmental Unit and whether tribal representatives would be asked for their input on their natural resources.
16. Comments regarding the Marine Mammal Protection Act (MMPA) consultations should be part of the Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations. Also one commenter wanted to know the requirements for the MMPA definition of a "take."
17. Regarding the dispersant products list, can the ARRT look at Alaska-specific products that work in Alaska conditions.
18. Comments expressed regarding ARRT providing references used to determine the safety of the dispersants, particularly toxicity and any effects on the environments. There are concerns regarding toxic components of dispersants and oil reaching shore, even if applied in excess of 24 nautical miles from shore.
19. Recommendation received for the ARRT to provide the Science and Technology Committee's review of current studies on dispersant use and report on their findings.
20. Questions were received regarding the effect of dispersants on phytoplankton. Concerns expressed that impacts on phytoplankton could affect pollock fishery.
21. Questions regarding who and where dispersants are or will be staged (stored) and who would be responsible for these products. Recommended that dispersants be stored in areas like Unalaska and Adak, considering the increased vessel traffic in Unimak Pass.
22. Commenters recommended that the ARRT suspend the Dispersant Authorization Plan until the science is certain regarding long-term toxicity of dispersants.

23. Commenter asked the ARRT consider other methodologies and other technologies for oil spill response.
24. How can tribes get training for oil spill response and monitoring?
25. Recommendation received that the Dispersant Authorization Plan refers to "Safety Data Sheets (SDS)," rather than the former "Material Safety Data Sheets (MSDS)."
26. General concerns were expressed regarding offshore oil spills and oil industry seismic exploration and the impacts to microscopic life, plankton, and krill.
27. One individual expressed concern that the State of Alaska does not have a coastal management plan and the USCG has resources "smaller than New York City's police force." Tribe does not agree with inviting vessels within 3-mile limit because of risks of oil spills and the increased vessel traffic in Unimak Pass.
28. Comment expressed that the only stakeholders for this Dispersant Authorization Plan are people in the villages. They are the only experts, because they know tidal currents and oil companies do not know. Impacts from use of dispersants can go as far south as Prince of Wales Island.
29. Questioned how to ensure that industry applying dispersants are not mixing in waste oil with the dispersants. Also wants to ensure that industry utilizes dispersant products on the approved list.
30. Questions asked regarding the types of mechanical recovery used now; the types of boom; and whether dispersants adhere to absorbents.
31. Concern expressed that the draft plan allows 90 days for comments and out of 229 federally-recognized tribes, there are very few tribes in attendance at the meeting [BIA Providers]. Budget constraints have kept others from being here and this plan affects major changes. This is not consultation.
32. Comment expressed that budget cuts in the last 24 years for tribes and that oil companies do not pay tribes \$1 per barrel for taking natural resources, which would give tribes money to attend these conferences and meetings. Expressed concern that any visits to villages are short and recommended spending one week for meaningful, quality time to build trust and cooperation to get things done.
33. Concern expressed regarding monetary compensation after a spill. The Exxon Valdez oil spill compensated commercial fisheries, but state and federal governments do not treat subsistence needs as they do commercial. Questioned whether the Natural Resource Damage Assessments consider impacts on subsistence users and do something more immediate than having to wait 10 years for resolution.
34. Questions asked regarding who pays for oil spill response and recovery efforts. Also, if a foreign flagged ship without insurance causes a spill, who pays? What if a spill occurs in Russia and impacts Alaska?
35. Comments expressed regarding the need for spill response contractors to have proper training with dispersant application and the need for them to understand biomasses in particular areas. Concern that the Selendang Ayu devastated the only open access crab fishery in the state.

- List of tribal meetings by date:

Meeting Date	Meeting Location	Number of Tribal Attendees	Number on Telephone
11-13-2013	King Salmon	0	0
11-15-2013	Anchorage	13	1
11-18-2013	Kodiak	7	4
11-20-2013	Valdez - Combined tribal with public meeting due to flight delays	2	0
11-22-2013	Dutch Harbor	3	0
12-05-2013	BIA Providers – AM	26	0
12-05-2013	BIA Providers – PM	8	0
12-06-2013	Anchorage (ANCSA Corporations invited)	0	0

DWG G2G WORKSHOP COMMENT MATRIX 1/27/14
FROM SUDIE H.

Dispersant Authorization Plan Meetings
Tribal G-2-G Consultation Information Meetings

	A	B	C	D	F	K	L
1	First Name	Last Name	Title	Organization	City	Tribal	Location
2	Jess	Lanman		Chickaloon	Sutton	Tribal	Anchorage
3	Jessica	Winstatter	Environmental Stewardship Director	Chickaloon		Tribal	Anchorage
4	Jodee	Anderson	IGAP	Chignik Lagoon	Chignik Lagoon	Tribal	Anchorage
5	Sasha	Anderson	IGAP	Chignik Lagoon	Chignik Lagoon	Tribal	Anchorage
6	Brenda	Trefon		Kenaitze Indian Tribe	Kenai	Tribal	Anchorage
7	Priscilla	Evans		Nanwalek IRA Council	Nanwalek	Tribal	Anchorage
8	Jeff	Evans		Nanwalek IRA Council	Nanwalek	Tribal	Anchorage
9	Peter	Gumlickpuk		New Stuyahok Traditional Council	New Stuyahok	Tribal	Anchorage
10	Anna	Gust		New Stuyahok Traditional Council	New Stuyahok	Tribal	Anchorage
11	Rita	Meganack	Environmental Technician	Port Graham Village Council	Port Graham	Tribal	Anchorage
12	Violet	Yeaton		Port Graham Village Council	Port Graham	Tribal	Anchorage
13	Michael	Opheim		Seldovia Village Tribe	Seldovia	Tribal	Anchorage
14	David	Totemoff, Sr.	Corporate Secretary	Tatitlek IRA	Tatitlek	Tribal	Anchorage
15	Donna	Boston	Tribal Council	Cheesh-Na Tribe	Gakona	Tribal	BIA Conf (10 AM)
16	Nancy	Kokeok	IRA Council member	Native Village of Shishmaref	Shishmarek	Tribal	BIA Conf (10 AM)
17	Richard	Kuzuguk	IGAP Coord.	Native Village of Shishmaref	Shishmarek	Tribal	BIA Conf (10 AM)
18	Karla	Nayokpuk	IRA Council member	Native Village of Shishmaref	Shishmarek	Tribal	BIA Conf (10 AM)
19	Emory C	Wheler	Tribal member	Nome Eskimo Community	Nome	Tribal	BIA Conf (10 AM)
20	Charlotte	Balluta	IGAP	Nondalton	Nondalton	Tribal	BIA Conf (10 AM)

Dispersant Authorization Plan Meetings
Tribal G-2-G Consultation Information Meetings

	A	B	C	D	F	K	L
21	Della	Coburn	IRA Council member	Organized Village of Kasaan	Ketchikan	Tribal	BIA Conf (10 AM)
22	Nellie	Vale	CFO	Yakutat Tlingit Tribe	Yakutat	Tribal	BIA Conf (10 AM)
23	Roselynn	Braley	IGAP Asst.	Angoon Community Association	Angoon	Tribal	BIA Conf (8 AM)
24	Harold	Frank	Energy Program	Angoon Community Association	Angoon	Tribal	BIA Conf (8 AM)
25	Travis	See	Council member	Angoon Community Association	Angoon	Tribal	BIA Conf (8 AM)
26	Dawn	Wood	Project Manager	Angoon Community Association	Angoon	Tribal	BIA Conf (8 AM)
27	Verdene	Morgan	EPA Coordinator	Aniak Traditional Council	Aniak	Tribal	BIA Conf (8 AM)
28	Nelson	Nicholai	Council member	Atmautluak	Atmautluak	Tribal	BIA Conf (8 AM)
29	Bessie	Hadley	EPA Asst.	Buckland IRA	Buckland	Tribal	BIA Conf (8 AM)
30	Patricia	Salmon	Environmental Planner	Chalkyitsik Village Council	Chalkyitsik	Tribal	BIA Conf (8 AM)
31	Tony	Anungahak	Coordinator	Chinik Eskimo Community	Golovin	Tribal	BIA Conf (8 AM)
32	Robert	Hairell	Brownfield Coordinator	Chuathbaluk Traditional Council	Chuathbaluk	Tribal	BIA Conf (8 AM)
33	Carl	Thomas	Landfill operator	Deering IRA	Deering	Tribal	BIA Conf (8 AM)
34	John	Brower		ICAS/Native Village of Barrow	Barrow	Tribal	BIA Conf (8 AM)
35	Rose	Alexie	ITC IGAP	Iqurmiut Traditional Council	Russian Mission	Tribal	BIA Conf (8 AM)
36	Brenda	Trefon	Environmental Coordinator	Kenaitze Indian Tribe	Kenai	Tribal	BIA Conf (8 AM)
37	Mark	Hoover	Tribal Council	Native Village of Eyak	Cordova	Tribal	BIA Conf (8 AM)
38	A	Julius	GAP	Native Village of Goodnews Bay	Goodnews Bay	Tribal	BIA Conf (8 AM)
39	Hazel	Peterson	Environmental Coordinator	Native Village of Mekoryuk	Mekoryuk	Tribal	BIA Conf (8 AM)

Dispersant Authorization Plan Meetings
Tribal G-2-G Consultation Information Meetings

	A	B	C	D	F	K	L
40	Susie	Page	Environmental Coordinator	Native Village of Noatak	Noatak	Tribal	BIA Conf (8 AM)
41	N Carol	Wesley	EPA Asst.	Native Village of Noatak	Noatak	Tribal	BIA Conf (8 AM)
42	Sharon	Nayoknuk	IGAP Coor.	Native Village of Shishmaref	Shishmaref	Tribal	BIA Conf (8 AM)
43	Kirk	Sampson, Sr.	IRA Council	Noorvik Native Community	Noorvik	Tribal	BIA Conf (8 AM)
44	Lonnie	Tebbits	Environmental Coordinator	Noorvik Native Community	Noorvik	Tribal	BIA Conf (8 AM)
45	Ron	Leighton	Vice President	Organized Village of Kasaan		Tribal	BIA Conf (8 AM)
46	Tom	Robinson	Council member	Qawalangin Tribe of Unalaska	Unalaska	Tribal	BIA Conf (8 AM)
47	Vincent		Special projects	Qawalangin Tribe of Unalaska	Unalaska	Tribal	BIA Conf (8 AM)
48	David	Osterback	President	Qayan Tayagungin Tribe	Sand Point	Tribal	BIA Conf (8 AM)
49	Moses	Peter	IGAP Asst.	Tuluksak	Tuluksak	Tribal	BIA Conf (8 AM)
50	Bessie	Weston	Environmental Program Assistant	Native Village of Afognak	Kodiak	Tribal	Kodiak
51	Nancy	Nelson	Coordinator / Council NVPL	Native Village of Afognak/ Native Vilage of Port Lions	Kodiak	Tribal	Kodiak
52	Jim	Cedeno	Response Manager	Native Village of Old Harbor	Old Harbor	Tribal	Kodiak
53	Susan	Boskofsky	Tribal Administrator	Native Village of Port Lions	Port Lions	Tribal	Kodiak
54	Randy	Boskofsky	Environmental Assistant	Native Village of Port Lions	Port Lions	Tribal	Kodiak
55	Amanda	Holden	Environmental Specialist	Native Village of Port Lions	Port Lions	Tribal	Kodiak
56	Fred	Shanagin	Council member	Ouzinkie Tribal Council	Ouzinkie	Tribal	Kodiak
57	Iver	Maluti	Council member	Sun'aq Tribe of Kodiak	Kodiak	Tribal	Kodiak
58	John	Reft	Vice Chair	Sun'aq Tribe of Kodiak	Kodiak	Tribal	Kodiak

Dispersant Authorization Plan Meetings
Tribal G-2-G Consultation Information Meetings

	A	B	C	D	F	K	L
59	Rick	Rowland	Natural Resource Director	Sun'aq Tribe of Kodiak	Kodiak	Tribal	Kodiak
60	Tom	Robinson	Council member	Qawalangin Tribe of Unalaska	Unalaska	Tribal	Unalaska
61	Marie	Schliebe	Council member	Qawalangin Tribe of Unalaska	Unalaska	Tribal	Unalaska
62	Robin	Waldron	Tribal Administrator	Qawalangin Tribe of Unalaska	Unalaska	Tribal	Unalaska
63	Ivy	Patton		Native Village of Eyak	Cordova	Tribal	Valdez
64	Ricky	Kompkoff		Tatitlek IRA	Tatitlek	Tribal	Valdez
65	Delice	Calcote		Z*Non-Tribe: AITC	Sutton	Non-Tribe	Anchorage
66	Karen	Pletnikoff		Z*Non-Tribe: Aleutian Pribolof Indian Association	Anchorage	Non-Tribe	Anchorage
67	Ben	Balivet	NEPA Coord.	Z*Non-Tribe: Association of Village Council Presidents	Bethel	Non-Tribe	BIA Conf (8 AM)
68	Emory C	Wheeler	Operations Manager	Z*Non-Tribe: Wheeler & Co. (consultant)	Nome	Non-Tribe	BIA Conf (8 AM)
69							
70		Totals:					
71		67 Total Attendees (some attended multiple sessions)					
72		63 Attendees from Federally Recognized Tribes					
73		4 Attendees from Associated Organizations					
74		76 Tribes Invited to Consultation Meetings					
75		38 Federally Recognized Tribes Represented at Tribal G-2-G Info Meetings					
76		16 Tribes Attended from Inside Proposed Pre-Authorization Area					
77		22 Tribes Attended from Outside Proposed Pre-Authorization Area					
78		21% of Tribes from Inside Proposed Pre-Auth Zone Attended Info Meetings					

Field, Chris

From: Mark.Everett@uscg.mil on behalf of Everett, Mark CIV [Mark.Everett@uscg.mil]
Sent: Wednesday, May 29, 2013 3:54 PM
To: barbara@theearthorganization.org; nikospastos@hotmail.com
Cc: Field, Chris
Subject: RE: Follow Up Request to ARRT (RRT 10)

Ms. Wiseman and Mr. Pastos - Thanks very much for your recent public comment at and written inquiries to the Alaska Regional Response Team (ARRT). My fellow co-chair, Chris Field, and I have discussed your request and are taking the following steps:

- 1) The ARRT has a role under Subpart J of the NCP to consider approved National Product List-approved products for appropriateness of use, so we will refer the relevant docs you've provided to the ARRT Science and Technology Committee for their analysis and recommendations. Your request for ARRT withdrawal of pre-authorization for chemical dispersants is input that we will consider in conjunction with scientific analysis from the ARRT Science and Technology Committee, consultation with the National Response Team, and the needs of the US Coast Guard FOSCs. Other public input and Tribal consultation will also be factored into that decision.
- 2) We will arrange a subject matter expert presentation at an upcoming ARRT meeting to describe various alternative countermeasures (e.g., solidifiers, bioremediation agents, dispersants), their indications, contra-indications, properties, efficacies, etc.

You are welcome to attend future ARRT meetings as we go through the process of assessing your request. The next meeting will be in Juneau (likely at the Federal Building) on September 25, 2013.

Thank you,

Mark L. Everett
Incident Management & Preparedness Advisor USCG Co-Chair Alaska Regional Response Team Plans & Force Readiness Division (dx) Seventeenth Coast Guard District Juneau, AK
w: (907) 463-2804
c: (907) 209-0729

-----Original Message-----

From: barbara@theearthorganization.org [mailto:barbara@theearthorganization.org]
Sent: Tuesday, May 28, 2013 1:35 PM
To: field.chris@epa.gov; terada.calvin@epamail.epa.gov; Everett, Mark CIV; Stocklin, Paul M CDR; Gary.Folley@alaska.gov; samcarlson@fs.fed.us; doug.helton@noaa.gov; william.zagrocki@us.army.mil; diane.clark@rl.doe.gov; jsarcone@cdc.gov; Forgit, Robert; pamela_bergmann@ios.doi.gov; justin.smith@usdoj.gov; ketcham.scott@dol.gov; blandnj@state.gov; cindy.sacks@faa.gov; brian.swanson@gsa.gov; knowles.nicholas@epa.gov; McNutt Jr., Cecil D CIV; scot.tiernan@alaska.gov; tom.deruyter@alaska.gov; steven.russell@alaska.gov; Mehler, Paul CAPT; Bornemann, Scott W CAPT; benjamin.hawkins@uscg.mil; carr.matthew@epa.gov; whittier.robert@epa.gov
Subject: Follow Up Request to ARRT (RRT 10)

Dear Alaska Regional Response Team (RRT 10) Members and Associates;

We would like to thank you for allowing us the opportunity to present an alternative plan to chemical dispersants at your 22 May meeting in Valdez last week.

At this same meeting, dispersant preauthorization plans were discussed where

it was indicated that the reason preauthorization was felt to be necessary was due to a great need for something more effective than just the limited mechanical-boom-absorbents methods available for addressing major spills in our region. The lack of confidence and consensus on spill counter measure plans is also holding up important projects and economic interests in Alaska. We share your concern in resolving the situation of finding a truly workable solution to cleaning up toxic spills rapidly.

Whereas, it has been scientifically proven that chemical dispersants are not only highly destructive to marine life and the public's health, and whereas it has also been scientifically proven that chemical dispersants do not work at all in colder waters, it is eminently clear that chemical dispersants are not the solution in Alaskan waters. Therefore, based on all the scientific data to hand, preauthorization and implementation of them is not a viable plan.

For that reason, we are particularly pleased to have found that there actually is a first-response technology, already clearly defined and approved in it's own category on the EPA's NCP list, which not only effectively, swiftly and thoroughly removes oil from the environment, but, because it is completely non-toxic, it has no trade-offs or negative impact on the environment, the fisheries, the marine life, wildlife nor responder's or the public's health. Additionally, it is so efficient that it will save the Responsible Parties significant funds compared to past cleanups, and help them to avoid all the collateral damage that, in the past, dispersants have perpetrated, unnecessarily adding enormous costs in legal fees, fines, settlements, etc. This is a win-win for everyone.

It is vital that you carefully study our formal request and documentation with urgency.

I have attached, again, a copy of the submission requesting the following:

1. Withdraw any form of preauthorization of chemical dispersants in Alaskan Response Plans. Immediately adopt our proposal for Standardized Criteria Assessment and Sustainable Oil Spill Cleanup Methodology Selection. (Addendum 1) Utilize this Standardized Criteria to properly assess the preauthorization plan for dispersants.
2. Thoroughly review the documentation included herein with specific attention to the summary (Overview-A New Look at Oil Spill Response <<http://protectmarinelifenow.org/preamble->

summary> , An Analysis of the BP Macondo Spill Cleanup) and the complete 44-page position paper addressing alternatives to dispersants (A Twenty-First Century Solution to Oil Spill Response <<http://protectmarinelifenow.org/solutions>>).

3. Enact preauthorization of Bioremediation Agent--Enzyme Additive Type/OSE II as a fully qualified, first response method (containing absolutely no microbes), which fully meets the requirements of the Clean Water Act, and which already meets all EPA efficacy requirements and the assessment criteria laid out in Addendum 1, with extensive toxicity testing, fully demonstrating that it is non-toxic and safe.

Please advise us as to when we could expect a response to our request and accompanying plans for the Alaska Unified Plan. Given our concerns over expanded drilling and transport operations in Zone 1, Cook Inlet and Prince William Sound, we are asking that your review of this be expedited and that you deliver a written response to points 1-3 above within 4-6 weeks. Six weeks from now would be July 5th, 2013 - a reasonable time frame.

Please do not hesitate to forward questions at any time from any ARRT member during the process of studying this material.

Respectfully,

Alaska-Change Oil Spill Response Alliance Delegation:

Nikos Pastos - Delegation Spokesperson - Center for Water Advocacy

907-764-2561 or 406-459-1829 - Cleanspillresponse@att.net

Delice Calcote - Alaska Inter-Tribal Council - Executive Director

907-563-9334

Carl Wassilie - Alaska's Big Village Network (Biologist)

907- 382-3403

Jess Lanman - I.C.E. (President, hunter, fisherman)

907-903-6223

Hal Shepherd - Center for Water Advocacy - Executive Director

907-764-2561

Emily Murray - Norton Bay Inter-Tribal Watershed Council (Board Member)

907-299-8821

Michael Stickman - Arctic Athabaskan Council - International Chairman

907-563-9334

Nelson J. Godoy - Faces of Hope Community Services - CEO/Chairman

907-764-1871

Barbara Wiseman - Lawrence Anthony Earth Organization (LAE0) - International

President 818-769-3410

Diane Wagenbrenner - Lawrence Anthony Earth Organization (LAE0) - Advisory Board

Cleanspillresponse@att.net 818-769-3410

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Barbara Wiseman

International President

Lawrence Anthony Earth Organization (LAE0)

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<http://whywebpr.com/theearthorg>